

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement and the principles involved in Supt. Curtis' decision dated February 27, 1952 in his Local Case No. 2246 (Employes' Exhibit "A"), by its failure and refusal to establish the position of Timekeeper on Maintenance Gang No. 14 when the clerical work there involved was performed by employees other than the foreman.

(b) The Carrier violated the Clerks' Agreement and Letter of Understanding dated July 2, 1954 (Employes' Exhibit "B") by its failure to provide a timekeeper for Maintenance Gang No. 14 when said gang was increased to 25 or more men.

(c) Mr. L. F. McAdams and/or other employees adversely affected be compensated for the difference between the daily compensation received and the amount they would have earned had a timekeeper been properly assigned to this gang beginning on or about November 1, 1954, and continuing until violation is corrected, such difference to be not less than a days pay in addition to compensation already received for service on such days.

(d) The Carrier violated the provisions of Article V, Sections 1, (a) and (c) of the Agreement dated August 21, 1954, in declining claim (b) above on June 6, 1954, or 30 days beyond its time limit.

NOTE: The names of other employees adversely affected to be determined by a joint check of Carrier's payrolls, timerolls, etc.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of February 23, 1960, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March, 1960.