

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, with reference to employees at Stockton and Oakland, California, that:

1. The Carrier violated and continues to violate the rules of the Clerks' Agreement at Stockton through its action in delegating work within the Agreement promiscuously to persons to whom such work was not regularly assigned, or by whom it was not regularly performed. (Case 1046)

2. Mr. E. S. Moyes, Icing and Report Clerk, shall now be additionally compensated for 5 hours and 50 minutes at the overtime rate of the Chief Clerk's position and 3 hours, 25 minutes overtime at the rate of the Interchange, Switching and Transit Clerk's position, the time he was required to perform the duties regularly assigned to those positions during the period January 1 through 9, 1958. (Case 1058)

3. Mr. P. J. Calcaterra, Warehouse Foreman, shall now be compensated for a minimum call on December 3, 1957, and for the difference between a minimum call and the 1½ hours each day allowed at the pro rata rate for November 18 and Dec. 31, 1957, on which days he was required to leave his assignment to help the Baggageman. (Case 1059)

4. Mr. P. J. Calcaterra, Warehouse Foreman, shall now be additionally compensated for a minimum call on December 2, 3, 4, 5, 6, 11 and 31, 1957, when he was required to perform work not a part of his regular assignment. (Case 1061)

5. Mr. P. J. Calcaterra, Warehouse Foreman, shall now be additionally compensated for a minimum call for December 6, 1957, account Carrier official performing routine clerical work. (Case 1062)

6. Mr. P. J. Calcaterra, Warehouse Foreman, shall now be additionally compensated for a minimum call on December 3, 6, 11, 12 and 31, 1957, when he was required to perform work not a part of his regular assignment. (Case 1063)

7. Mrs. Elaine M. Obenshain, Trainmaster's Clerk, shall now be additionally compensated for a day's pay at the Chief Clerk's rate of pay for January 2, 1958, and for each day thereafter on which she is required to perform work previously performed by the Chief Clerk. (Case 1066)

8. Mrs. Mary A. Craven, PBX-Typist-Jumbo Clerk, shall now be additionally compensated for a day's pay at the rate of Trainmaster's Clerk on January 10, 1958, account required to perform work not part of her assignment. (Case 1077)

9. Mr. W. R. Western, Transit-Switching-Interchange Clerk, shall now be allowed a minimum call for March 14, 1958, on which date he was not called to perform work regularly assigned to his position. (Case 1078)

10. Mrs. Hattie V. Williams, Relief Clerk No. 5, shall now be additionally compensated for a total of 5 ½ hours at the overtime rate account having been required to perform the work of other employes on February 10, 12, 18, 19, 26 and March 5, 1958. (Case 1079)

11. Messrs. F. D. Hillyer, G. M. McCormick, H. Henneman and O. Hatfield at Oakland shall be compensated as follows for duties in 1958:

F. D. Hillyer, Feb. 1, 2 calls; Feb. 2, 1 call; Feb. 16, 1 call; March 19, 1 call and Aug. 25, 1 call.

G. H. McCormick, Feb. 1, 2 calls; Feb. 2, 2 calls; Feb. 4, 1 call.

H. Henneman, Feb. 5, 1 call.

O. Hatfield, Aug. 25, 1 call.

In addition these employes or their relief or successors shall be compensated for at least a minimum call for each instance of continuing violation when they have been required to perform work not regularly performed by them.

12. The Carrier violated the provisions of the National Agreement with the Non-Operating Organizations, signed at Chicago, Illinois, August 21, 1954, when Mr. H. K. Reese, Agent at Stockton, failed to notify claimants of the reasons for the disallowance of their claims.

NOTE: The names of employes and the dates involved in this submission to be determined by a joint check of the Carrier's records.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That carrier and employes involved in this dispute are respectively carrier and employes 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 has been held and concluded. Under date of February 23, 1960, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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

Executive Secretary

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