

Award No. 9408
Docket No. CL-10752

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Clerks' Rules Agreement when it abolished the regularly established clerk position at Sauk City, Wisconsin while the duties of the position remained to be performed and assigned those duties to the Agent, an employe not covered thereby.
2. The Carrier shall now be required to return the work which comprised clerical Position No. 8 at Sauk City, Wisconsin now being performed by the Agent to employes covered by the Clerks' Rules Agreement in Seniority District No. 38.
3. The Carrier shall now be required to compensate Employe Ernest Just and all other employes affected as the result of the abolishment and removal of the clerical work which comprised clerical Position No. 8 at Sauk City, Wisconsin from the scope and application of the Clerks' Rules Agreement for eight (8) hours at the pro rata rate of clerical Position No. 8 for November 25, 1957 and each subsequent work day Monday through Friday that the violation continues.

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 the 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 April 28, 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

ATTEST: S. H. Schulty
Secretary

Dated at Chicago, Illinois this 11th day of May, 1960.