

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Thomas C. Begley, Referee

PARTIES TO DISPUTE:

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

MACON, DUBLIN & SAVANNAH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that;

(1) The Carrier violated the Clerks' Agreement of January 1, 1948, as amended, when effective May 1, 1956, without conference or Agreement it nominally abolished the position of Chief Clerk — Traffic Department, salary \$461.35 per month, occupied by Mr. George B. Little, and concurrently therewith required or permitted all of the work attached to this position as hereinafter outlined to be performed by Mr. R. E. Wells, Assistant to Traffic Manager, an employe not covered by the Clerks' Agreement and that, therefore;

(2) Mr. George B. Little, Chief Clerk, and/or his successors, if any, shall now be paid for all wage losses sustained as result of this violation and that;

(3) This claim shall remain in effect until this Agreement violation has been corrected.

EMPLOYES' STATEMENT OF FACTS: For many years prior to May 1, 1956, the position of Chief Clerk — Traffic Department, Macon, Dublin & Savannah Railroad Company, located in the Freight Agency at Macon, Georgia has been occupied by Mr. George B. Little and the duties of this position were and are as follows:

1. Answer telephones, both City and Company line phones.
2. Open mail every morning and stamp and distribute same.
3. Check waybills covering clay from Georgia Kaolin Company each morning for the day previous, so as to be sure there are no errors in routing or billing.
4. Write up tariffs on card, also distribute same to agents and file office copy in file boxes.

advise you if during this period Mr. Little drew unemployment benefits, if so, the amount, also the amount, if any, that he earned from outside sources, etc.

I regret the delay in complying to your request which was occasioned by my almost continuous absence from the city since receiving your letter; however, according to our information, this datum is submitted as follows:

Made at the Central of Georgia.....	\$603.57
Unemployment Compensation	59.50
Total Compensation Received	\$663.07
During this Period	

Sincerely yours,

(Sgd.) B. H. Clegg
General Chairman."

Had the Chief Clerk in the Traffic Department been retained during the strike period, he would have earned \$922.70; whereas, he actually earned during this period \$663.07. While the amount of money involved in the claim is small, the principle is important to the Carrier and based on previous awards of this Division and the circumstances in this case, the Carrier contends that the claim should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: There is a conflict in the record as to the amount of work involved in this claim however the amount of work performed by supervisors was nominal. Rule 14 of the Agreement has no application in this claim. The Claimant's position was abolished and he was furloughed due to a Trainmen's strike during the period of this claim. The Board finds that due to the Trainmen's strike that an emergency condition existed which justified the action taken by the Carrier during the period of claim.

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 the Employee involved in this dispute are respectively Carrier and Employee 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; and

The Carrier did not violate the Agreement due to an emergency condition.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of November, 1961.