

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Eugene Russell, Referee

PARTIES TO DISPUTE:

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

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

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

1. That Carrier violated rules of the parties' Agreement effective June 1, 1953, commencing March 10, 1956, following abolishment of one of three established clerical positions at Savanna, Illinois, Station, when it unilaterally assigned work theretofore performed exclusively by clerical forces to employees occupying positions not embraced within the Scope Rule of the Agreement.

2. That E. P. Soltow and his successor on position of Freight Clerk, if there be any, be paid wage loss sustained, to-wit:

(a) Call equivalent to two hours' pay at overtime rate Tuesday, January 1, 1957, and each day thereafter until the rule violation incident to handling of mail to and from Train No. 24 and Star Route trucks is corrected.

(b) Call equivalent to two hours' pay at overtime rate for New Year's Day, January 1, 1957, and each holiday and Sunday thereafter until the rule violation incident to handling of mail for Train No. 31 is corrected.

(c) 30 minutes overtime for January 16, 1957, and allowance for actual time on each day thereafter until the rule violation is corrected incident to handling of mail for Train No. 32 when it arrives during Claimant's meal period.

EMPLOYEES' STATEMENT OF FACTS: Effective March 10, 1956, Carrier abolished a clerical position at Savanna, Illinois. The work normally attached to the clerical position did not disappear with abolishment of the clerical job but was distributed among the Operators and others clerks. See Employees' Exhibits Nos. 1-A and 1-B.

the accumulated claims amount to nearly \$2500.00. The claim is completely devoid of merit and must be denied.

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In conclusion the Carrier submits that there are only three possible decisions.

1. The claim should be dismissed because of the procedural defect.
2. The claim should be dismissed because the parties are bound by an agreed to disposition of the entire claim.
3. If for some reason not apparent to the Carrier, the Board hurdles the first two defenses, then the claim must be denied on the basis that clerks do not have the exclusive right to handle U.S. Mail.

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The Carrier affirmatively states that all data herein and herewith submitted has previously been submitted to the Employees.

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(Exhibits not reproduced.)

OPINION OF BOARD: This claim of the System Committee of the Brotherhood of Railway and Steamship Clerks against the Chicago, Burlington and Quincy Railroad Company must be denied for the reason that the Board finds from this record that the claim was not timely filed within the period allowed by Article V of the Agreement of August 21, 1954 and the subsequent extensions of time agreed to by the parties.

The provisions of Article V are quoted on pages 50 and 51 of the record and we find it unnecessary to repeat such provisions in this Opinion.

The record clearly sets out 2 thirty-day extensions granted by the Carrier and we find from this record that Petitioner's letter of intent is dated June 24, 1958 and that the last thirty-day extension of time expired June 23, 1958.

The claim is so clearly barred that it is unnecessary to cite the numerous awards on this subject, therefore, we refer only to Award 7865, 9321 and First Division Award 16492.

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

That the parties waived oral hearing;

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; and

That this claim was not timely filed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION
ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 7th day of November, 1962.