

Award No. 11227

Docket No. CL-10850

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Phillip G. Sheridan, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY
(SYSTEM LINES)**

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

1. The Carrier violated the rules of the Clerk's Agreement when they failed to call Clerk Frances A. Wilson, incumbent of position of Chief Bill Clerk at Vancouver, Washington on Thanksgiving Day, November 28, 1957 and New Years Day, January 1, 1958 to perform duties in connection with billing of carload shipments.
2. The claimant, Frances A. Wilson, be paid a two hours call on November 28, 1957 and January 1, 1958 at the punitive rate.

EMPLOYEES' STATEMENT OF FACTS: Claimant F. A. Wilson is regularly assigned to position Chief Bill Clerk, Vancouver Freight Station, with hours 8:30 A.M. to 5:30 P.M. Monday through Friday with Saturday and Sunday as rest days. The duties assigned to the Chief Bill Clerk position and normally performed by claimant Wilson during the hours of her assignment were assigned to the claimant on May 17, 1955 by Bulletin No. 36:

Chief Bill Clerk No. 7 — Vancouver Freight Station Hours of duty 8:30 A.M. to 5:30 P.M. daily except Saturdays, Sundays and Holidays. Duties consist of billing, expensing and other duties as assigned.

The claimant is assisted in her duties Monday through Friday by Bill Clerk No. 13 with hours and work week the same as the claimant's. Duties of Position No. 13 being typing waybills and expense bills and other duties as assigned.

On Thursday, November 28, 1957 and on Wednesday, January 1, 1958 it was necessary to waybill carload shipments. The Carrier chose to call the Chief Clerk to perform this work, which normally would have been performed by the Chief Bill Clerk had no holiday occurred. The Chief Clerk position has assigned hours 8:00 A.M. to 5:00 P.M. daily except Sundays, Mondays and holidays. Duties consist of preparing traffic reports, handling

violated when the Agent designated the Chief Clerk as the employe to be called to perform the necessary clerical duties in the freight office. Significantly, Petitioner has cited no rule in the Clerks' Schedule which has been violated.

Respondent, therefore, submits that this claim must be denied in its entirety.

All data in support of the Respondent's position has been submitted to the Petitioner and made a part of the particular question here in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: The record reveals that Saturday is an unassigned day for the Claimant, but that the Chief Clerk bills cars on that day, also the bulletin establishing this position indicates that the Chief Clerk would be required to do some billing.

It is our opinion that if the work is not exclusively the work of the Claimant on her unassigned rest day it is not exclusively hers on holidays.

This Agreement was the subject to a similar interpretation on the same property in Award 7137 (Carter).

There is nothing in the record to show that the Chief Clerk required assistance on the days in question. Also see Award 10629 which concurs with Award 7137.

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 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; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1963.