

Award No. 13049
Docket No. CL-12868

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Benjamin H. Wolf, Referee

PARTIES TO DISPUTE:

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

**SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA
(Texas and New Orleans Railroad Company)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5039) that:

(a) The Carrier violated the current Clerks' Agreement when on August 30, 1960, the Assistant Agent at Lake Charles, Louisiana, consumed two hours in the preparation of Forms C. S. 6480 "Exception Report", O. S. & D. Nos. 1243 and 1244.

(b) C. A. Verret who was qualified, available and willing to work be paid two hours at the time and one-half time rate of his regularly assigned position of Claim Clerk as a result of this violation of the Agreement.

EMPLOYEES' STATEMENT OF FACTS: Since the day the railroad was built the Carrier has maintained an agency in the city of Lake Charles, Louisiana, and for a good many years maintained an agency at West Lake, Louisiana, approximately two miles west of the Lake Charles agency. The Carrier sought and was granted permission by the Louisiana Public Service commission to close the agency at West Lake and combine it with the agency at Lake Charles, effective on or about June 1, 1960. Employees' Exhibit No. 1. With the closing of the agency West Lake became a blind siding and the remaining clerical work in connection with freight originating or destined to West Lake was transferred to the Lake Charles agency.

For as long as any employe now in the service of the Carrier can recollect the Freight Station at Lake Charles, Louisiana, was manned by a supervisory agent, a position not covered by any rules agreement, a chief clerk and a number of clerks, a messenger, porters and truckers, all covered by the scope of the Clerks' Agreement. The clerks under the agreement have always performed all of the clerical work at the station. The West Lake agency was for the majority of the time a one man station and was at the time of its closing manned by an Agent-Telegrapher. This position was abolished when the agency was closed.

submitted by Brotherhood of Railway Clerks with the exception of two recent cases have no bearing whatsoever; and on the two cases submitted, the carrier did not secure the authority of the Public Service Commission to make the change, whereas this Carrier did.

The Carrier handled this instant case in a proper manner by careful negotiations with the Organization, and it was agreed that this is a proper solution of the matter. It did not, in any manner, infringe on the rights of the Clerks, and the allegations that clerks were pulled off by reason of it are not true. The two positions listed were in no wise involved in handling the work at West Lake. The Order of Railroad Telegraphers are proper parties to this case, and the General Chairman and the President of the Grand Lodge, ORT have been informed concerning this case, and it is the Carrier's plea that they be furnished notice by the Third Division of the pendency of this dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: The facts in this case are similar to those in Award 13048. That Award is controlling here.

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 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 13th day of November 1964.