

**Award No. 14057**  
**Docket No. CL-14837**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**John H. Dorsey, Referee**

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**PARTIES TO DISPUTE:**

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

**SOUTHERN PACIFIC COMPANY — TEXAS AND LOUISIANA  
LINES**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood, (GL-5494), that:

(a) The Carrier violated the current Clerks' Agreement when on May 8, 1962, Carrier arbitrarily and capriciously refused to permit common laborer Mrs. Georgia Simpson to displace Storehouse Laborer J. M. Munoz, her junior at the Purchasing-General Stores Department, Houston, Texas, solely because she was a female.

(b) Mrs. Georgia Simpson be paid a day's pay for May 8, 1962, at the appropriate rate of pay and for each succeeding day thereafter that she was deprived of work as a result of this violation of the Agreement.

**EMPLOYEES' STATEMENT OF FACTS:** During and immediately following World War II the carrier employed a number of females as Common Laborers at its Houston General Stores in Houston, Texas. Among these female laborers was Mrs. Georgia Simpson who was employed on March 16, 1945. From this date until May 8, 1962, she bid in and was assigned to a number of Common or Storehouse Laborer positions. Likewise, she made a number of displacements on similar positions during the above period when in a displacing position due to force reduction with no question being raised as to her qualifications to perform laborer's work in the Store Department. As a result of force reduction in the laborer forces she was in a displacing position on May 8, 1962, and made request to displace Storehouse Laborer J. M. Munoz, her junior. Her request to exercise her seniority over a junior laborer in accordance with the rules was denied by Purchasing Agent T. E. Martin and confirmed in his letter of May 10, 1962. On May 22, Mrs. Simpson filed claim for a day's pay at the pro rata rate of Storehouse Laborer for May 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22 and each succeeding day thereafter when the carrier used J. M. Munoz to perform laborer's work.

Wherefore, premise considered, Carrier respectfully requests that the Board deny in all its particulars this claim.

(Exhibits not reproduced.)

**OPINION OF BOARD:** This is a companion case to Award No. 14055. It involves the same parties, Agreement, issue and measure of proof. For the reasons stated in that Award we will deny the instant claim.

**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 Carrier did not violate the Agreement.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of December 1965.

#### LABOR MEMBER'S DISSENT TO AWARD 14057, DOCKET CL-14837

This is a companion case to Award No. 14055, Docket CL-14821; it involves the same parties, Agreement, issue and measure of proof. For the reasons stated in my dissent to Award 14055, I register equal dissent to this Award 14057.

/s/ C. E. Kief  
C. E. Kief,  
Labor Member  
1-19-66