

Award No. 14824
Docket No. CL-13496

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

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

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5211) that:

(1) The Carrier violated the National Vacation Agreement and the Clerks' Agreement on October 4 through October 15, 1961 when it failed to fill the positions of Information-Reservation Clerks in the Ticket Office Department (Seniority District 29) on the dates on which they were relieving Mrs. Elizabeth Boyd while she was on vacation.

(2) The following employees be reimbursed the exact amount they would have earned had they been called to fill the positions vacated by the Information-Reservation Clerks who were used to fill Mrs. Boyd's vacation vacancy on the dates as indicated:

Marion Snyder — October 4 and 11, 1961

James Hook — October 5 and 12, 1961

Edward Bender — October 6 and 13, 1961

Howard Broyles — October 7, 8, 14 and 15, 1961.

EMPLOYEES' STATEMENT OF FACTS: The Office of General Passenger and Ticket Agent (Seniority District 29) is made up of four categories of employees as follows:

Ticket Sellers

Information-Reservation Clerks

Mid-way Information Clerks

Ticket Accountants

Ticket Sellers and Information-Reservation Clerks work in the Ticket Office Proper. Mid-way Information Clerks work in the Information Bureau located in the mid-way of Union Station, and Ticket Accountants work in Room 310 Union Station.

Exhibit B—The General Passenger and Ticket Agent's reply of November 6, 1961 to the Local Chairman.

Exhibit C—The Local Chairman's letter dated November 13, 1961 appealing the decision of the General Passenger and Ticket Agent to General Traffic Manager C. G. Cross.

Exhibit D—Letter dated November 29, 1961 from the General Traffic Manager to the Local Chairman disallowing the claims.

Exhibit E—Letter dated January 23, 1962 from General Chairman P. A. Dwyer to Manager-Labor Relations Henry Miller, Jr.

Exhibit F—Letter dated March 21, 1962 from Manager of Labor Relations to the General Chairman denying the claims and confirming discussion of them in conference.

The wages and working conditions of the employees involved in this dispute are covered by Schedule Agreement between the parties effective January 1, 1950, copies of which are on file with this Division of the National Railroad Adjustment Board.

(Exhibits not reproduced.)

OPINION OF BOARD: Mrs. Elizabeth Boyd, Clerk in the Mid-way Information Booth, took her vacation between October 4 and October 15, 1961. During her absence, her tour of duty was filled by employees drawn from the pool of Reservation-Information Clerks stationed inside the ticket office enclosure about seventy-five feet from the Mid-way Information Booth during a portion of their assigned hours of their own position.

Claimants contend that the method used in filling Mrs. Boyd's position while on vacation is a violation of Article 10(b) of the National Vacation Agreement. They maintain they were the senior available employees and should have been called to fill the vacancy. They also point out that Carrier made no advance arrangements to provide vacation relief for Mrs. Boyd's position nor did it consult with the Local Chairman concerning the filling of the vacancy as provided in Rule 10. Moreover, they take the position that failure to fill Information-Reservation positions increased the work burden of the other Information-Reservation Clerks in the ticket office.

In declining the claims, Carrier explained that Mrs. Boyd's vacancy was offered to a number of employees who refused it because of the hours of assignment and since all furloughed and extra employees were working at the time covering vacations and sick leaves, it was necessary to fill her position with Reservation-Information employees who were willing to accept the assignment and could readily be spared from the pool. Furthermore, Carrier points out that Mrs. Boyd was granted her vacation at this time because of personal urgency. Although it offers these explanations Carrier contends that the Board has no authority to consider the claims on their merits because the Petition is defective procedurally.

The record reveals that the claim handled on the property concerned the "method of filling Mrs. Boyd's job while she was on vacation." The claim was based on the premise that the Claimants who were senior employees were available to fill Mrs. Boyd's vacancy but were not called to do so. However,

the basis for alleged violation as expressed in the Statement of Claim of this dispute is the failure "to fill the positions of Information-Reservation Clerks in the ticket office department on the dates on which they were relieving Mrs. Elizabeth Boyd while she was on vacation."

Hence, although the Claimants and dates involved are the same, the instant claim differs from the claim on the property, the latter concerns the filling of the vacation vacancy of Mrs. Boyd whereas the claim under consideration involves the filling of positions of Information-Reservation Clerks.

Since the claim was not handled "in the usual manner," as provided for in Section 3, First (i) of the Railway Labor Act, we hold that the Board has no jurisdiction over the dispute and the claim is dismissed.

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 does not have jurisdiction over the dispute involved herein; and

Claim dismissed in accordance with above Opinion.

AWARD

Claim dismissed in accordance with above Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of October 1966.