

Award No. 16088
Docket No. CL-16348

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Claude S. Woody, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5982) that:

(a) Carrier violated the Agreement at Greensboro, North Carolina, when it failed to call Group 5 Mail and Baggage Handler George Young to operate Tractor on August 30 and 31, and September 7 and 8, 1964, using instead Group 1 Mail and Baggage Foreman R. C. Perkins.

(b) Mr. George Young shall be compensated at the rate of Tractor Operator for August 30, 31 and September 8, 1964, at pro rata rate of pay, and for September 7, (Labor Day) at the rate of time and one half.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the Class or Craft of employees in which the claimant in this case holds seniority and the Southern Railway Company.

Mr. George Young is carried on the Southern Railway System, Danville Division, Seniority Roster — Group 5 Mail and Baggage Handler, with a seniority date of October 28, 1938. He, at the time of this claim, had been an employee of the Southern Railway Company for more than 25 years.

Mr. Young is an extra Group 5 Mail and Baggage Handler who is available for extra work when called upon to do so. On the dates in question he was not offered the work claimed.

Division Chairman, Mr. W. J. Burton, Jr., filed the initial claim in this case on September 23, 1964, Employees' Exhibit A, and stated:

"This will file claim for George Young, Mail and Baggage Handler, extra, Greensboro, North Carolina, for August 30 and 31st, 1964, 8:30 A. M. to 5 P. M., at proper rate of tractor driver, pro rata rate

(NOTE: See supplement covering Porter-Red Caps, on page 79.)

(NOTE: See supplement covering Train Mail Handlers, on page 83.)

It is understood and agreed that the hours of service and working conditions of employes embraced in each respective group above are subject to the specifications and exceptions hereinafter contained in various rules of this schedule.

* * * * *

"RULE 2.

**DEFINITION OF EACH GROUP OF EMPLOYES AS COVERED
BY RESPECTIVE SECTIONS OF SCOPE RULES**

(a) Revised, effective October 1, 1938.) Clerical Workers — Employes who regularly devote not less than four (4) hours per day to the writing and calculating incident to keeping records and accounts, rendition of bills, reports and statements, handling of correspondence and similar work, including Depot Ticket Agents and Depot Baggage Agents.

* * * * *

(h) (Effective October 1, 1938.) Office and Station Laborers — Laborers employed in and around offices, stations and warehouses,

including freight handlers (baggage and parcel room employes other than those classifying as clerks under these rules), elevator operators, porters, janitors and matrons, performing services of a character which do not require the use of skilled labor."

"RULE 3. EFFECTIVE DATE

(Revised, effective October 1, 1938.)

This agreement becomes effective October 1, 1938, and supercedes and cancels all former agreements but does not, unless rules are specifically changed, alter practices or working conditions established by or under former agreements."

OPINION OF BOARD: Based upon our reasoning outlined in Award No. 7167 (Carter), and our Opinion contained in Award No. 16087, which was prepared contemporaneously herewith, the claim in the instant case will be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 9th day of February 1968.