

Award No. 16218  
Docket No. CL-16483

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

George S. Ives, Referee

**PARTIES TO DISPUTE:**

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

**THE BELT RAILWAY COMPANY OF CHICAGO**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6058) that:

1. The Carrier violated the Clerk's Agreement, when the changes ordered by it effective May 17, 1965, resulted in the creation of new positions under Rule 9 and failed to bulletin them as such.

2. L. Lawrence, W. Witthoft, H. Cammack, M. Loftus, E. Aler, L. Bissell and their regularly assigned reliefs and/or successors if any, shall be compensated one dollar (\$1.00) per day, for each working day effective with the date of August 1, 1965 and continuing so long as the violation continues, or until such time as corrective measures are applied.

**EMPLOYEES' STATEMENT OF FACTS:** Prior to the effective date of this dispute, Claimants were all assigned by bulletin to positions titled Machine Operator (Cut-Card) and their services were performed in the Carrier's Central Office Building, twenty-four (24) hours per day, seven days per week. All possible regular relief assignments with five days of work and two consecutive rest days were established to do the work necessary on rest days of the assignments. The duties of the Machine Operator (Cut-Card) positions generally speaking consisted of transcribing car initials and numbers of cars checked at the Sub-Offices by telephone and preparing switch lists from the way bills, both of which operations are commonly termed "callbacks" and "cutcarding," or as indicated in Employees' Exhibit No. 1.

On May 12, 1965, Carrier issued notice indicating that effective 8 A. M. Monday, May 17, 1965, the title of these positions are changed to "Switching Information Clerks." Primary duties will be coding of waybills, and manual preparation of switch lists. Other duties to include operation of machines and/or equipment in the reproduction and transmission of switch lists, as well as other clerical duties incidental and/or related thereto. Typing experience necessary. Employees' Exhibit No. 2.

On July 30, 1965, claim was filed with the Agent Mr. R. E. Santoro and was declined on September 14, 1965. Employees' Exhibit No. 3 and 4.

On September 27, 1965, the claim was appealed to the Superintendent, Mr. D. R. Turner and was denied on October 22, 1965. Employees' Exhibit Nos. 5 and 6.

The claim was subsequently appealed to the Manager Labor Relations, Mr. J. C. Sidor, on November 15, 1965 and was declined on January 18, 1966. Employees' Exhibits, Nos. 7 and 8.

(Exhibits not reproduced.)

**CARRIER'S STATEMENT OF FACTS:** Rule 5 - Seniority District - of the agreement effective March 1, 1964, between The Belt Railway Company of Chicago and the Clerks' Union reads as follows:

"One seniority district is hereby established for all employees within the scope of this agreement."

Prior to changes that were made on May 17, 1965, and June 7, 1965 clerical work performed in the Agent's Office building was interchangeable with respect to car movement information and/or accounting. Accounting is under the Jurisdiction of the Auditor. Car movement is under the jurisdiction of the Superintendent, Transportation Department. The changes made effective May 17, 1965 and June 7, 1965 separated the clerical duties involved directly in the movement of cars from the duties involved in preparation of the data of an accounting and related nature.

The change involved in this claim was made effective May 17, 1965 and the initial claim was filed June 30, 1965 for August 1, 1965. Attached as Carriers' Exhibit No. 1 is the notice dated May 12, 1965 announcing the change in title of Position Nos. 222, 223, 224, 225, 229 and 327 from "Machine Operator (cut cards)" to "Switching Information Clerks." In addition six new positions were created with the same title of Switching Information Clerk.

(Exhibits not reproduced.)

**OPINION OF BOARD:** Carrier posted a notice announcing a change in the title of Claimants' position as well as certain changes in duties effective May 17, 1965. Petitioner contends that Carrier violated Rule 9 and other pertinent provisions of the Agreement by failing to bulletin the position promptly after the change of title and duties, which allegedly resulted in the creation of a new position.

The basic issues involved in this case are identical with those considered by this Division in Award 16217, which arose out of a similar dispute between these parties under the same provisions of the effective Agreement. Therefore, we find our Opinion in Award 16217 controlling in this dispute. Accordingly, the claim must be denied.

**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 12th day of April 1968.