

Award No. 16834
Docket No. CL-17516

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6396) that:

1. Carrier violated the Clerks' Agreement when, effective at close of business Monday, December 27, 1965, it nominally abolished the position of Cashier at Gurdon, Arkansas, and effective Tuesday, December 28, 1965, required the Star Agent to perform the Cashier work, in violation of Rules 1, 2, 3, 5, 25, 45 and related rules of the Clerks' Agreement.

2. The Carrier shall be required to compensate Mr. D. R. Howell, General Clerk, for six hours at Cashier's punitive hourly rate of \$4.13625, amount \$24.82, for December 28, 1965, with claims continuing on the same basis for the claimant or his successor(s) for each day, Monday through Saturday, subsequent to December 28, 1965, until the claims are allowed and the clerical work is returned to employees subject to the scope of the Clerks' Agreement.

NOTE: Claims are subject to all general wage increases obtained subsequent to the first claim date.

EMPLOYEES' STATEMENT OF FACTS: Gurdon, Arkansas, is located about eight miles south and west of Little Rock, Arkansas on the Arkansas Division.

For many years the Carrier had maintained a clerical force at the Passenger Station and Freight and Yard Offices at Gurdon, Arkansas.

The clerical forces employed at Gurdon, Arkansas are reflected in the following statement beginning with the Mediation Wage Agreement of November 1, 1928. There were clerical forces at Gurdon for many years prior to November 1, 1928, but wage rate sheets for those years are not available to the Employes at this time.

It is also our position that the claim must be limited to straight time rate of pay where no work is performed by the claimant in excess of eight hours as in the instant case.

Yours truly,

/s/ B. W. Smith

cc: Mr. J. G. Sheppard (F-62437)"

OPINION OF BOARD: The dispute herein involves the same parties, the same agreement, and similar contentions as involved in Award 16833. For the reasons stated in that Award, the claim herein will 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 Employee involved in this dispute are respectively Carrier and Employee 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 19th day of December 1968.