



Award No. 17208

Docket No. CL-16639

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

(Supplemental)

Herbert J. Mesigh, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAIL-
ROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6064) that:

1. Carrier violated the Clerks' Rules Agreement at Minneapolis, Minn. by unilaterally removing regularly assigned employes from their regular positions to perform Key punching, thereby requiring them to suspend work of their own position to absorb overtime that otherwise would have been required of a Key punch Operator position.
2. Carrier shall now be required to compensate B. C. Ruddy, Jr., regularly assigned occupant of Key punch Operator Position No. 8774 at the penalty rate of his position for the number of hours on the dates as shown:

4/ 2/65-5 hrs. 45 min.	5/ 3/65-5 hrs. 35 min.
4/ 4/65-5 hrs. 55 min.	5/ 6/65-5 hrs. 49 min.
4/ 5/65-5 hrs. 50 min.	5/10/65-7 hrs.
4/ 6/65-5 hrs. 55 min.	5/13/65-6 hrs. 55 min.
4/ 7/65-5 hrs. 49 min.	5/14/65-6 hrs. 49 min.
4/ 8/65-5 hrs. 45 min.	5/17/65-6 hrs. 50 min.
4/ 9/65-5 hrs. 40 min.	5/18/65-6 hrs. 45 min.
4/12/65-5 hrs. 45 min.	5/19/65-6 hrs. 50 min.
4/14/65-5 hrs. 40 min.	5/20/65-6 hrs. 50 min.
4/15/65-5 hrs. 55 min.	5/21/65-5 hrs. 57 min.
4/27/65-14 hrs.	5/25/65-5 hrs. 50 min.
4/28/65-12 hrs. 30 min.	5/26/65-5 hrs. 45 min.
4/29/65-12 hrs.	5/27/65-5 hrs. 49 min.
4/30/65-13 hrs.	

3. Carrier violated the provisions of Section 1(a) of Article V of the Agreement of August 21, 1954 when Regional Data Manager Wenc failed to decline the claims for April 2, 4, 5, 6, 7, 8 and 9, 1965 within 60 days from dates filed and failed and refused to allow the claims as presented for those dates.

On each of the dates shown above when higher rated employees Severson, Thelen, Ryan and Rood were temporarily assigned by proper authority to lower rated Key punch Operator-Clerk positions they did not have their rates reduced, but instead were compensated for 8 pro rata hours each day at the higher rates of the positions to which they were regularly assigned and/or occupying.

Attached hereto as Carrier Exhibits are copies of the following letters:

Letter written by Mr. S. W. Amour, Assistant to Vice President, to Mr. H. V. Gilligan, former General Chairman, under date of December 9, 1965—Carrier's Exhibit "A"

Letter written by Mr. Amour to Mr. Gilligan under date of January 26, 1966—Carrier's Exhibit "B"

Letter written by Mr. Amour to Mr. Gilligan under date of May 5, 1966—Carrier's Exhibit "C"

Notarized letter written by Mr. K. J. Wencl, Regional Data Manager at Minneapolis, Minnesota to Mr. Amour under date of April 27, 1966, which letter constitutes a notarized statement on the part of Mr. Wencl—Carrier's Exhibit "D"

(Exhibits not reproduced)

OPINION OF BOARD: This is a companion case to Docket CL-16503, Award No. 17206. It is agreed as far as the rights of the parties are concerned, the two cases are essentially the same issue and may be disposed of in the same manner; therefore, since no violation of the Agreement was found in Docket CL-16503, Award No. 17206, this claim 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 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of June 1969.

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