

Award No. 18961
Docket No. CL-16607

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
ILLINOIS CENTRAL RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6049) that:

(a) Carrier violated the Clerks' Agreement at Effingham, Illinois, when on May 19, 1964, and subsequent dates, it abolished three regular Clerical Positions, and assigned the duties thereof to employes not subject to any rules of the Clerks' Agreement.

(b) Clerk R. E. Gobin, be compensated \$1.72 per day, for May 19, 1964, and each subsequent work day.

(c) Clerk F. A. Katz, be compensated \$18.22 per day, for May 19, 1964, and each subsequent work day.

(d) Clerk V. R. White, be compensated \$.94 per day, for May 19, 1964, and each subsequent work day.

(e) Clerk D. L. Roedl, be compensated \$.06 per day, for May 19, 1964, and each subsequent work day.

(f) Clerk C. E. Myers, be compensated \$2.98 per week, based on a five day work week, beginning May 19, 1964, and each subsequent work week.

(g) Clerk B. L. Denton, be compensated \$91.82 per week, based on a five day work week, beginning May 19, 1964, and each subsequent work week.

(h) Clerk W. K. Smith, be compensated \$98.70 per week, based on a five day work week, beginning May 19, 1964, and each subsequent work week.

EMPLOYES' STATEMENT OF FACTS: Prior to May 19, 1964, the force at Effingham, Illinois Passenger Station consisted of the following:

POSITION	OCCUPANT	HOURS	ASSIGNMENT
Freight Agent	R. Higerson	8:00 A. M. to 5:00 P. M.	Mon. thru Fri.

Agreement. The Carrier declined the claim on the basis that a telegrapher at Effingham, the ticket agent, had been selling tickets for fifty years or more; that throughout the Carrier's system telegraphers sell tickets; that the Clerks did no have an exclusive right to the work; and that, therefore, it was within the Carrier's right to abolish unneeded clerical jobs and distribute the remaining work to telegraphers, who were necessary for communications work. Copies of relevant correspondence are attached as Carrier's Exhibits "A" and "B."

ISSUE

The issue in the present dispute is simply this: Does the Carrier have the right to abolish unneeded clerical jobs and give the selling of tickets to telegraphers at the point?

The Carrier will show that the work in question, the selling of tickets, does not belong exclusively to Clerks and that, therefore, the Carrier was within its rights when it abolished the ticket clerk positions and gave the work to a craft which had a right to perform it.

(Exhibits not reproduced.)

OPINION OF BOARD: The dispute involved herein involves the same parties, the same agreement, and similar contentions as involved in Award 18960. For the reasons as stated in that Award, the 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 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: E. A. Killeen

Dated at Chicago, Illinois, this 28th day of January 1972.