

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES
THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.**

DISPUTE.—"Shall the position created at St. Paul, effective March 1, 1932, and position created at Minneapolis, effective March 1, 1932, of Fruit Inspector, rate \$157.50, be considered as being within the scope of Clerks' working rules agreement and bulletined to employees on Seniority District No. 12?"

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

As of March 1, 1932, the carrier created position of Fruit and Vegetable Inspector, one with headquarters at Minneapolis and one with headquarters at St. Paul, at basic rate of \$175.00 per month each; and appointed thereto employees said to possess especial qualifications and experience and who were on the seniority roster of clerical department employees. The employees appointed to said positions were given no regular assigned hours on duty but, instead, the monthly compensation was established in consideration of all services rendered at irregular hours.

An agreement (bearing effective date of January 1, 1931) exists between the parties to govern wages and working conditions of employees therein designated, from which agreement complainant party cites Rules 27 and 69 as bearing upon the question made subject of dispute.

Evidence shows that prior to March 1st, 1932, similar positions at St. Paul and Minneapolis, carried on pay roll of Western Weighing and Inspection Bureau, were conceded to be under Clerk's Agreement when their entire service was performed for this carrier.

Employees claim that when the work was discontinued by Western Weighing and Inspection Bureau, the new positions created performed relatively the same class of work, and that Rule 69 applies.

Positions in dispute are not now in existence.

AWARD

If these positions are recreated and cover relatively the same class of work, they shall be bulletined on Seniority District No. 12 in accordance with terms of Clerk's Agreement.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 8th day of March 1935.