

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Honorable Paul Samuell, Referee

PARTIES TO DISPUTE:

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

WABASH RAILWAY COMPANY

DISPUTE.—"Violation of Schedule Agreement for Clerks, effective August 1, 1929, by the abolishment of a position with title of Local Storekeeper at Decatur Roundhouse, paying basic rate of \$7.10 per day, and establishment of position with title of Stockman, with relatively the same assignment of duties, and paying a basic rate of \$5.24 per day. Request that position with title of Local Storekeeper be reestablished at basic rate of \$7.10 per day, and occupant of said position be reimbursed for monetary loss sustained by this violation of the Agreement, retroactive to May 13, 1933."

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

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. Hearing was had on March 27, 1935, and later the Division was unable to agree upon an award because of a deadlock. Paul Samuell was selected as referee to sit with the Division and make an award. A majority of the Members of the Third Division so constituted finds that:

An agreement bearing date of August 1, 1929, is in effect between the parties.

A position carrying title of Local Storekeeper at Roundhouse, Decatur, Illinois, paying basic rate of \$7.10 per day, was abolished by bulletin to become effective with close of business May 13, 1933, and position with title of Stockman, paying basic rate of \$5.24 per day, was bulletined in lieu thereof. The employe holding the position of Local Storekeeper was assigned to the position carrying title of Stockman.

Claim is based on section (p) Rule 11, and section (b) Rule 23, reading:

"**RULE 11.** (p) No position shall be abolished and new one created under another title covering the same class or grade of work for the purpose of reducing the pay or evading the application of this schedule."

"**RULE 23.** (b) No rate, rule, or part of a rule in this agreement will be eliminated, annulled, or changed without the approval of the Vice President and General Committee for Clerks and after thirty (30) days' notice."

It is found that the duties attached to the position of Stockman are of the same class or grade of work as the duties attached to the position of Local Storekeeper prior to it being abolished with the close of business, May 13, 1933.

It is also found that section (b) of Rule 23 was violated.

AWARD

This Division awards that the employee shall receive compensation at the rate of \$7.10 per day retroactive to May 13, 1933, to date of this Award and continue at said rate so long as he shall continue to perform the class or grade of work as provided for in the schedule and/or agreement now existing between the parties.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 25th day of June 1935.