

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

DISPUTE.—"Claim of Miss Bertha Schillinger, Clerk, Passenger Accounts Department, General Auditor's Office, for a day's pay each date, January 20, 1935, to and inclusive of February 12, 1935, account not permitted to exercise her seniority rights, in accordance with Rule 26 of the Agreement."

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

The carrier and the employes 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.

The following statement of facts is jointly certified by the parties, and the Third Division so finds:

"On January 10, 1935, Misses Bertha Schillinger and Sidona Hopper were notified that they would be laid off in reduction of force, effective January 20, 1935. Miss Schillinger's seniority date in the Passenger Accounts Department is December 18, 1925. Mrs. Gertrude Reed, another employe in this Department, has heretofore been carried with a seniority date of December 15, 1925.

"January 15, 1935, when the new seniority roster was posted, Miss Schillinger made written protest and request for correction of Mrs. Reed's date and the right to displace Mrs. Reed, which request was denied. On January 16 the question was verbally called to the attention of the Assistant General Manager, and on January 30, 1935, formal protest, together with claim for loss of time, was made to the General Auditor.

"February 6th settlement was made of the dispute in seniority date of Mrs. Reed, changing same in accordance with the rule to June 1, 1929, but claim for time lost by Miss Schillinger was denied.

"This claim is for \$4.05 per day for the period named."

An agreement bearing effective date of February 1, 1926, exists between the parties, and complainant employe bases his claim on Rule No. 26 thereof, which reads, in part, as follows:

"Employes whose positions are abolished will be allowed ten days from date position is abolished in which to exercise their seniority rights over junior employes in their district. Other employes affected must exercise their seniority in the same manner."

On February 6, 1935, it was agreed between the parties that Mrs. Reed was entitled to seniority date in the Passenger Accounting Department, June 1, 1929, instead of December 15, 1925.

AWARD

Miss Bertha Schillinger shall be compensated for working days lost after date of agreement, February 6, 1935, to and including February 12, 1935.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 30th day of August 1935.