

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

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

DISPUTE.—"Claim of G. D. Holzman that he be paid two hours per day at ticket clerk's rate and six hours per day at assistant cashier's rate on account of being engaged in the handling of work formerly handled by him as third trick ticket clerk in the Fargo ticket office, effective as of January 3, 1933, and for subsequent dates that he performed like service."

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

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:

"Effective January 3, 1933, the midnight to 8:00 a. m. assignment of the ticket clerk at Fargo was abolished. The assigned hours of the second assistant cashier were from 6:15 a. m. to 3:15 p. m. The hours of assignment of the position of second assistant cashier were changed from 5:00 a. m. to 1:00 p. m., and arrangements were made for the occupant of that position to sell tickets from 5:00 a. m. to 7:00 a. m. Mr. Holzman who had been occupying the position of ticket clerk at Fargo with assignment from midnight to 8:00 a. m., exercised his seniority onto position of second assistant cashier. The rate of pay of the ticket clerk's position that was abolished was \$4.94 per day. The rate of the assistant cashier's position is \$4.72 per day."

An Agreement bearing effective date of August 15, 1922, is shown to exist between the parties, and the following rules are cited and relied upon by petitioner:

"**RULE 75. Rating positions.**—Positions (not employees) shall be rated and the transfer of rates from one position to another shall not be permitted."

"**RULE 76. Preservation of rates.**—Employees temporarily or permanently assigned to higher-rated positions shall receive the higher rates while occupying such positions; employees temporarily assigned to lower-rated positions shall not have their rates reduced. A 'temporary assignment' contemplates the fulfillment of the duties and responsibilities of the position during the time occupied, whether the regular occupant of the position is absent or whether the temporary assignee does the work irrespective of the presence of the regular employee. Assisting a higher-rated employee due to a temporary increase in the volume of the work does not constitute a temporary assignment."

"**RULE 78. New positions.**—The wages for new positions shall be in conformity with the wages for positions of similar kind or class in the seniority district where created."

The rules hereinabove cited and relied upon by petitioner do not sustain the claim which is made subject of this dispute.

Claim denied.

AWARD

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

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