NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Paul Samuell, Referee

PARTIES TO DISPUTE:

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

NORTHERN PACIFIC RAILWAY COMPANY

DISPUTE.—"Claim of Miss Angela Lepak that she be paid for time lost on November 23, 25, and 26, 1932, because of not being called to fill vacancy in position of steno-clerk to Car Foreman at Duluth, occasioned by regular incumbent laying off."

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 had jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon. A hearing was had. The Third Division failed to agree upon an award, because of a deadlock. Paul Samuell was selected as a Referee to sit with the Division as a member thereof and make an Award.

The parties have jointly certified the following facts, and the Third Division so finds:

"Miss Julie Schneller, steno-clerk in Car Foreman's Office at Duluth, laid off for the period from November 23rd to 26th, 1932, due to illness. Miss Lepak at that time was out of service due to force reduction. Miss Alice Johnson, junior in service to Miss Lepak who was also out of service on account of force reduction, was used to relieve Miss Schneller."

The controlling question in this case is the application of the seniority rule, which, for all practical purposes, is identical with the question raised in CL–119, Award No. 105.

No additional circumstances intervening, we perceive no reason for repeating or enlarging the discussion.

AWARD

Claim of the employee is sustained.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 15th day of October 1935.