

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY**

DISPUTE.—

"(a) Claim for difference between rate paid \$5.45 per day and rate of \$6.05 per day for position of chief yard clerk assigned J. A. Whitten, retroactive to March 2, 1933, at Birmingham, Ala.

"(b) Claim for difference between rate paid \$5.45 per day and rate of \$5.80 per day for position of second trick head train clerk assigned H. C. Wilson, retroactive to March 2, 1933, at Birmingham, Ala.

"(c) Claim for difference between rate paid \$5.45 per day and rate of \$5.80 per day for position of third trick head train clerk assigned J. A. Graves, retroactive to March 2, 1933, at Birmingham, Ala."

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.

Effective March 2, 1933, positions of chief yard clerk, rate \$6.05 per day, second trick head train clerk, rate \$5.80 per day, and third trick head train clerk, rate \$5.80 per day, at Birmingham, Alabama, were abolished. Effective March 2, 1933, three positions with title of train clerk with rate of \$5.45 per day were created.

Employees contend the three newly created positions perform relatively the same class of work as the three positions which were abolished March 2, 1933.

The carrier contends that owing to continued decrease in business there was no longer any necessity to maintain the position of chief yard clerk and head train clerks on each shift.

An agreement bearing effective date September 15, 1924, exists between the parties and employees cite Rules 54 and 83 thereof in support of claim. These rules read:

RULE 54

"Positions (not employes) shall be rated and the transfer of rates from one position to another shall not be permitted."

RULE 83

"Established positions shall not be discontinued and new ones created under same or different titles covering relatively the same class of work serving the purpose of reducing the rate of pay or evading the application of these rules."

This Division finds that the preponderating evidence in this case shows that J. A. Whitten is performing relatively the same work as that previously performed by Chief Yard Clerk and Head Train Clerk. Further finds that positions of H. C. Wilson and J. A. Graves are properly classified and rated as train clerks with rate of \$5.45 per day.

AWARD

- (a) Claim sustained.
- (b) Claim denied.
- (c) Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 31st day of March 1936.