

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**Third Division**

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**PARTIES TO DISPUTE:**

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

**DISPUTE.—**

"1. Claim of Employees that Rules 67, 68, and 80 of current Agreement was violated in abolishing position of Mechanical Department timekeeper, rate \$5.54 per day, Disbursement's Office, Denver, Colorado, September 16, 1935, and creating in lieu thereof position of Key Punch Operator at a lesser rate.

"2. Claim of incumbent or incumbents of position designated as Key Punch Operator-Clerk for difference between the rate of \$4.05 per day and \$5.54 per day retroactive to September 16, 1935.

"3. Claim of labor distribution clerk John Quinn for difference between \$5.50 and \$5.54 per day; addressograph operator Guy Clancy for difference between \$4.05 and \$5.50 per day, all retroactive to September 16, 1935."

**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.

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

"Prior to May 1935 there were three established positions of Mechanical Department timekeepers in the Disbursements Office, Denver, Colorado.

"In May 1935 a key punch machine was installed in that department and all three timekeepers operated the machine in connection with the performance of their duties as timekeepers.

"On August 26, 1935, a position of key punch operator at rate of \$4.05 per day was established, and on Sept. 16, 1935, one position of Mechanical Department timekeeper was abolished.

"This claim is for a total of \$2.98 per day."

There is in evidence an agreement between the parties bearing effective date of February 1, 1926, and Rules 67 and 70 thereof read:

"**RULE 67.** Positions (not employees) shall be rated and the transfer of rates from one position to another shall not be permitted.

"**RULE 70.** 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."

Petitioner contends that by abolishing the position of Mechanical Department Timekeeper and establishing the position of Key Punch Operator at a lesser rate of pay, the carrier violated Rule 80; that the position designated as Key Punch Operator is a bona fide clerical position is evidenced by the bulletin issued March 2, 1936, when that position became vacant, reading:

"BULLETIN, DENVER, MAR. 2ND, 1936

"Position of clerk—key punch operator—is open for bid.

"Rate \$4.05 per day.

"Hours of service 8 hours per day, 6 days per week.

"J. F. MORRIS, *General Auditor.*"

Petitioner cites, as Exhibit A, outline of duties of Mechanical Department Timekeepers, prior to September 1, 1935, also copy of instructions outlining duties of position of Key Punch Operator, in support of his contention that duties of occupant of position in question are of relatively the same class of work as those previously performed by Timekeepers.

Petitioner also contends that \$5.54 per day is the minimum rate for timekeeping and related work, and that Rules 67 and 68 have been violated by the carrier by permitting employee classified as Key Punch Operator to perform this work at the rate of \$4.05 per day.

The carrier contends that on May 1, 1935, the system of Mechanical Department timekeeping was changed from a manual to a machine method; that on August 26, 1935, position of key punch operator-clerk was employed at rate of \$4.05 per day; that by reason of the creation of this position, on September 16, after the machine system of keeping time had been thoroughly established, a reduction was made in the number of shop timekeepers, rate \$5.54 per day, from three to two, and that none of the rules cited were violated; that the key punch operator-clerk employed on September 16 is not a timekeeper and does not perform any timekeeping duties.

The Third Division finds that the position mentioned as Key Punch Operator in the Joint Statement of Facts is a composite position; that it was properly designated with title of Clerk-Key Punch Operator in bulletin of March 2, 1936; that because of the clerical duties attaching thereto, in addition to the key punch machine work, a rate of pay in excess of the rate of Key Punch Operator should have been given the position when it was established, under the provisions of Rules 67 and 70. Claim of petitioner that position should carry rate of timekeeper cannot be sustained.

#### AWARD

Claim (2) remanded to parties for adjustment in accordance with above findings, without prejudice to the right of either to re-submit the dispute if not so adjusted.

Claims (1) and (3) dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: H. A. JOHNSON  
*Secretary*

Dated at Chicago, Illinois, this 17th day of November, 1936.