

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

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

DISPUTE.—

"Claim of C. A. Myrick, storehouse employee, Pomona, North Carolina, for the difference between 41½ cents per hour and 63 cents per hour, less applicable deductions, for each hour worked driving the Pomona Storehouse truck since June 1, 1934."

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:

"The Company maintains a truck at Pomona Storehouse, the use of which is not continuously required during an entire day. When the truck is operated, the Company has by instructions required C. A. Myrick, storehouse man, rate of 41½ cents per hour, to drive the truck.

"In July 1934 there were four storehouse men employed at Pomona Storehouse; one received the rate of 45 cents per hour and the other three 41½ cents per hour. The Pomona Storehouse is under the jurisdiction of the Division Storekeeper located at Spencer, North Carolina. The storehouse men's rates at Spencer are 45 cents and 41½ cents per hour, respectively. There is a full time position as truck driver at Spencer, so classified and carried on the payrolls, the basic rate of pay of which is 63 cents per hour."

There is in evidence an agreement between the parties bearing effective date of May 1, 1934, and Rule 31 thereof reads:

RULE 31—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 work does not constitute a temporary assignment.

"At points where less than eight hours work per day as Truck Driver, Tractor Driver, Torchman or Groundman is necessary, this work will, as in the past, be performed by Storehouse employees. If more than one hour's service performed, shall be allowed rate of position filled on hourly basis, fractions of hours to be disregarded."

The petitioner contends that the storehouse at Pomona is under the jurisdiction of the Division Storekeeper located at Spencer, North Carolina; that the established rate for truck driver at Spencer is 63 cents per hour, and that this rate should be paid to C. A. Myrick when called upon to drive the truck at Pomona.

The carrier contends that it has for many years operated at Pomona sub-storehouse a small 1,000-pound capacity motor truck, as and when necessary, the amount of material handled by this truck being insufficient to justify the maintenance of a full-time position as truck driver; that this small truck was put into service in 1928, since which time it has been operated by, and as a regular part of the duties of employees classified and carried on the payrolls as storehouse men; that the duties in connection with the part-time operation of the truck at Pomona are materially different from the duties attaching to the full-time operation of the truck at Spencer.

The Third Division finds that a one-half ton capacity motor truck is operated, as and when necessary, at Pomona, a sub-storehouse to the main storehouse at Spencer, North Carolina, under the jurisdiction of the Division Storekeeper at Spencer, where full-time positions of truck driver exist, rate 63 cents per hour; that a rate of 61 cents per hour is maintained for truck driver at Alexandria, Virginia, where the work is more nearly comparable with that at Pomona, and based on all the facts and circumstances, the claim should be sustained on the basis of 61 cents per hour.

AWARD

Claim sustained in accordance with above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: H. A. JOHNSON
Secretary

Dated at Chicago, Illinois, this 18th day of December, 1936.