

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Frank M. Swacker, Referee

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: "Claim of employees—

(a) That the assignment of clerical work hereinafter described at Dumas, Ark., Station to employes not covered by the Clerks' Agreement and who hold no seniority rights to perform such work is a violation of the current Clerks' Agreement.

(b) That such clerical work shall be assigned to and performed by clerical forces holding seniority rights under the Clerks' Agreement, and

(c) That Clerk D. Slaughter and others affected holding seniority rights to such clerical work shall be reimbursed for wage loss sustained, retroactive to October 1, 1935, as a result of the carrier's violation thereof."

EMPLOYES' STATEMENT OF FACTS: Prior to October 15, 1935, the station force at Dumas, Ark., consisted of:

Agent-Telegrapher, hours 8:00 A. M. to 5:00 P. M., 66¢ per hour,
Clerk, hours 9:00 A. M. to 6:00 P. M., \$4.24 per day,
Helper, hours 8:00 A. M. to 5:00 P. M., \$25.00 per month.

On October 15, 1935, a position of telegrapher was put on, with assigned hours 8:00 A. M. to 5:00 P. M., the same hours as the agent, rate 61¢ per hour, to take care of the increased business during the cotton season. On December 25, 1935, when the cotton season was over, the permanent position of Clerk was taken off and the seasonal position of telegrapher was allowed to remain. Thereafter the force consisted of:

Agent, hours 8:00 A. M. to 5:00 P. M., 66¢ per hour,
Telegrapher, hours 8:00 A. M. to 5:00 P. M., 61¢ per hour,
Helper, hours 8:00 A. M. to 5:00 P. M., \$25.00 per month.

The clerical position discontinued December 25, 1935, was a permanent position which had been in existence for many years.

POSITION OF EMPLOYES: "1. For many years prior to October, 1935, the carrier has maintained at its Dumas, Ark., Station, the following positions in addition to position of Agent-Telegrapher:

'Clerk, rate \$4.24 per day
'Cotton Clerk, rate \$4.24 per day'

"The position of Cotton Clerk while maintained on a permanent authority basis and is included in the Clerks' Wage Agreement, has been filled only

Time From	To		Misc. Work	Tel'gh Work
933a	936a	On message phone, then on No. 9 wire after "JC" about car at Winchester		3"
936a	937a	Sell two bus tickets	1"	
937a	950a	Outside to check unloading of freight from switcher	13"	
950a	955a	Dispr. rings about switcher. Then on No. 9 wire calling "JC" and reporting on car at Winchester		5"
955a	957a	Outside to see if switcher is going to get out for 161		2"
957a	10a	Reporting situation to Dispr. and continues to watch situation for dispatcher		3"
10a	1005a	Receive WU message and fix up for delivery		5"
1005a	1007a	Checking out freight to truck	2"	
1007a	1022a	Switcher went north and now out looking for 192 and reporting to Dispr. Fixing up order blanks. Reporting switcher as departing. Now out to see if 192 will get out for 161. Watch 192 go by. Reporting 192 to Dispr.		15"
1022a	1026a	Checking freight waybills	4"	
1026a	1027a	Answer message phone		1"
1027a	1042a	Out in yard checking cars	15"	
1042a	1043a	Recording arrival Exa. A-350N		1"
1043a	1100a	Billing express and keeping block out for 161. Sells ticket for bus	17"	
1100a	1101a	Checking freight waybills	1"	
1101a	1102a	Answers Dispr. about 161		1"
1102a	1104a	Still watching for 161 checking freight waybills—Sells bus tickets	2"	
1104a	1109a	Outside, watch 161 go by. Pick up message thrown off and "OS" 161 and Exa. A-350N		5"
1109a	1112a	Check watch and watch card with Inspector		3"
1112a	1123a	Checking freight waybills. Making tonnage and seal record for car lumber	11"	
1123a	1126a	Calling "MC" for message dropped by 161		3"
1126a	1145a	Checking express and making express bills and receipts	19"	
1145a	12K	Checking express and making express bills and receipts. Watching for switcher southbound	15"	

OPINION OF BOARD: This case is similar in principle to that involved in Award No. 615 in which the relations between the Clerks' agreement and the Telegraphers' Agreement so far as concerns situations of this kind was given extended consideration and the conclusions there reached are applicable here.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Board finds no violation of the Clerks' Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of May, 1938.