

Award No. 1195

Docket No. CL-1270

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

**CHICAGO, INDIANAPOLIS & LOUISVILLE RAILWAY
COMPANY**

(Holman D. Pettibone, Trustee)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood, that Carrier violated and continues to violate its agreement with the Brotherhood: (1) When on September 9, 1939, it abolished position of A. F. E. Clerk in the office of Superintendent of Motive Power, Lafayette, Indiana, rate \$185.20 per month and concurrent with abolishment of said position removed a substantial amount of the duties thereof from the scope and operation of our agreement, and required the Clerk-Stenographer, rate \$111.98 per month, to perform in excess of two (2) hours each day duties and work of A. F. E. Clerk's position, and (2) that Clerk-Stenographer shall be compensated in the amount of difference between her rate, \$111.98, and rate of \$185.20 per month for two (2) hours each day retroactive to September 11th, 1939."

EMPLOYEES' STATEMENT OF FACTS: "Prior to September 9, 1939, the Carrier maintained in the office of Superintendent of Motive Power at Lafayette, Indiana, a clerical position classified as A. F. E. clerk and rated by agreement with this brotherhood at \$185.20 per month. Said position was in existence on the effective date of adoption of the general working agreement governing hours of service, working conditions and rate of pay of the class of employees represented by this brotherhood, said date being March 30, 1935, and said agreement being made effective as of April 16, 1935.

"The duties and responsibilities which constituted the substance of said position and which governed its classification and rate of pay can best be identified and proven by the provisions incorporated in Seniority bulletin No. 47 issued under date of January 5, 1939, by Mr. W. M. English, Superintendent of Motive Power, when advertising a temporary vacancy on said position. Copy of said Bulletin No. 47 is attached hereto, and made a part hereof, same being identified as Brotherhood's Exhibit No. 1.

"Under date of September 7, 1939, the carrier posted its Seniority Bulletin Notice No. 62 stipulating that 'Effective with the close of business Saturday, September 9, 1939, the position of A. F. E. Clerk in this office is abolished.'

"All of the duties on this position as recorded in Seniority Bulletin No. 47 (Brotherhood's Exhibit No. 1) continued to exist on and after September 9, 1939.

"The Carrier submits:

1. There has been no violation of Rules 51, 52, and 58 of the current agreement.
2. The work now performed by the Clerk-stenographer is the same as has been performed since the position was established.
3. The Carrier has complied with the requirements of the Railway Labor Act.
4. An Award should be rendered in favor of the Carrier.

"All matters herein referred to in support of the Carrier's position have been the subject of correspondence or discussion with the Employes' Committee and its duly accredited representatives as more fully appears from Exhibits 1 to 11 attached hereto and made a part hereof."

There is in evidence an agreement between the parties bearing effective date of April 16, 1935.

OPINION OF BOARD: The claim here before us covers only the position of Clerk-Stenographer, and based upon all of the facts and circumstances of this particular case, the Board is not disposed to disturb the action of the carrier.

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 employes involved in this dispute are respectively carrier and employes 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 action of the carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of October, 1940.