

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Carl B. Stiger, Referee

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

(Guy A. Thompson, Trustee)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes on the Missouri Pacific Railroad that the Carrier violated the Clerks' Agreement:

1. When effective April 1st, 1941 it abolished the position of extra gang timekeeper on the Little Rock—Louisiana Division, occupied by Clerk, J. A. Belinge, and removed the clerical work consisting of keeping time of the extra gang and handling of time rolls out from under the scope and operation of the clerks' agreement and utilized extra gang Foremen and others who hold no seniority under the provisions of the clerks' agreement to perform said work.

2. That Clerk, J. A. Belinge and/or other employes involved in or affected by the Carrier's action be compensated for wage loss sustained, less amounts earned in other employment, if any, retroactive to and including April 1st, 1941."

EMPLOYEES' STATEMENT OF FACTS: "On January 14, 1941, per General Superintendent's Bulletin No. 9, copy attached and designated as Exhibit 'A' dated January 14th, 1941, two (2) positions of extra gang timekeeper were bulletined, bids to be received until 8:00 A.M. on January 20th, 1941.

"On January 22nd, per General Superintendent's Bulletin No. 13, copy attached and designated as Exhibit 'B' the positions bulletined per Bulletin No. 9 (Exhibit 'A') were assigned to Clerk, Eugene Novell listed on Group 2 Southern District Seniority Roster as of December 18th, 1936 and on Group 1 roster of the same district as of January 25th, 1941, and to J. A. Belinge, Group 2 seniority on the Southern District Seniority Roster as of January 2nd, 1937 and on Group 1 seniority roster of the same seniority district as of January 26th, 1941. Copy of the 1941 seniority roster of the classes referred to is attached hereto and designated as Exhibit 'C.'

"On February 26th, 1941, Clerk, E. Novelle vacated the extra gang timekeeper position which he had been assigned to due to having exercised his seniority elsewhere and Clerk, J. A. Belinge absorbed the duties that Clerk Novelle had theretofore performed.

"Clerk Belinge was given the regular three (3) working days advance notice that his position would be abolished effective April 1st, 1941, how-

classification of the classes named in group 2 or 3 in Rule 1 performs four hours per day clerical work, he will be placed in group 1 and taken out of groups 2 or 3.

Promotion Basis—Rule 4.)None of these rules have the remotest connection with the subject of this dispute.
Seniority Districts—Rule 5.	
Vacancies—New Positions—Rule 6.	
Bulletins—Rule 10.	
New Positions—Rule 68.	
Rates—Rule 76.)
Date Effective—Rule 82.	

"This entire case is an effort on the part of the employees to create a preposterous situation by making a job for a clerical worker to be paid anywhere from \$5.00 to \$6.00 per day to keep the time (pencil record) of laborers in charge of a foreman working out on the line of road on track rehabilitation work. If he was employed there would be not to exceed 10" to one-half hour's work for him to do in an eight hour period—this is illustrative of the absurdity of the Employees' request.

"There is no rule in the wage schedule agreement we have with the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that would justify or permit the Board to sustain the Employees' petition."

OPINION OF BOARD: This award is controlled by the decision in Docket CL-1656, Award 1694, wherein the facts, contentions, and principles involved in this dispute are fully considered.

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 no violation of the rules has been shown.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 21st day of January, 1942.