

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
GREAT NORTHERN RAILWAY COMPANY**

STATEMENT OF CLAIM: 1. Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes that the Carrier violated and continues to violate the rules' agreement in assigning the Assistant Chief Clerk in the Freight Traffic Manager's Office at St. Paul, Minn., to duties covered by the scope rule of the agreement.

2. Claim that position now classified as Assistant Chief Clerk, herein dispute, shall now be classified, rated, bulletined and assigned in accordance with agreement provisions.

EMPLOYEES' STATEMENT OF FACTS: On October 1st, 1925, the effective date of the present rules' agreement between the Carrier and the Brotherhood, there was no provision in Scope Rule 1 for an exception from the application of the rules for any position on what is now known as the Division Desk in the office of Freight Traffic Manager, St. Paul, Minn.

On October 1, 1925, there was an excepted position in this office of Assistant Chief Clerk whose duties were to assist the Chief Clerk to the Assistant Freight Traffic Manager and, at the same time, another position carrying the title of Chief Rate Clerk whose principal duties were the quotation of rates.

In 1927 the Assistant Chief Clerk was promoted to the position of Chief Clerk to Assistant Freight Traffic Manager and the Chief Rate Clerk was promoted to that of Assistant Chief Clerk and an employe holding the position of Rate and Tariff Clerk was promoted to the position of Chief Rate Clerk.

The Assistant Chief Clerk and the Rate and Tariff Clerk continued to perform the same duties they did before the change. The only change was in the titles of the positions.

A change of re-arrangement of the duties of these positions of Assistant Chief Clerk and Chief Rate Clerk was made and on January 10th, 1939 a protest was made that the titles of these two positions were not descriptive of their work and that the employe then holding the position of Assistant Chief Clerk was performing the duties of a Division Clerk and was not excepted from the rules' agreement. On August 2nd, 1939, the Carrier again changed the titles, placing the title of Chief Rate Clerk where it belonged but still continued the title of Assistant Chief Clerk.

Mediation Board under the prior invocation of its services, as regardless of what decision this Board might make, whether affirmative or negative, it would prejudice, if not completely block, any consideration of the merits of the same issue by the Mediation Board, and regardless of the nature of this Board's decision, satisfactory conclusion of Mediation proceedings might reverse it.

(9). The Carrier, therefore, suggests dismissal of this case without prejudice as to the sole reasonable and equitable disposition thereof.

OPINION OF BOARD: Based upon all the facts and circumstances of this particular case, the Board is not disposed to take any action other than to dismiss it.

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 case will be dismissed.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

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