

Award No. 2102
Docket No. CL-2027

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

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

**GULF COAST LINES, INTERNATIONAL-GREAT NORTHERN
RAILROAD COMPANY, SAN ANTONIO, UVALDE & GULF
RAILROAD COMPANY, SUGARLAND RAILWAY COMPANY,
ASHERTON & GULF RAILWAY COMPANY**

(Guy A. Thompson, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The position designated by the Carrier as Yard Clerk at Taylor should be classified and paid as a Line Desk Clerk retroactive to the date of this claim. Also

(b) Claim that all employees involved in or affected by the improper classification and rate of pay be compensated for all losses sustained.

EMPLOYEES' STATEMENT OF FACTS: On May 19, 1939 bulletin was issued advertising position of Yard Clerk at Taylor. The duties as shown on the bulletin required that the position performs work of a Line Desk Clerk.

Claim was filed on May 23, 1939 requesting that the position be classified and paid as a Line Desk Clerk, which claim was declined by the Superintendent.

The employees requested that a joint investigation be made to develop agreed upon facts as to the work performed by the position.

On December 6, 1940 the joint investigation was made by Trainmaster Holzmann and Division Chairman LeStourgeon. This investigation disclosed that the position in dispute performed the following Line Desk work:

1. Write up inbound and outbound trains.
2. Makes wheel reports.
3. Makes passing reports.
4. Makes consists.
5. Makes Red Ball reports.
6. Weighs cars and compiles weight report.

After the joint investigation had been made and the above information developed Trainmaster Holzmann declined to sign a joint report.

in some cases, are assigned so that the work of some of the employees will be confined to inside office work, and other yard office employees are assigned to perform a preponderance of their work in the yard outside of the office; however, these outside employees perform some work in the office. The duties of a line desk clerk and a yard clerk are similar and interchangeable. There is no classification rule as contained in the agreement with the Organization defining what class of work will be performed by line desk clerk to the exclusion of work to be performed by yard clerk, or vice-versa.

The yard clerk involved in the instant case, as heretofore stated, has been assigned to perform duties both inside and outside of the office ever since the position was established; and it is the contention of the Carrier that the position is properly classified, and that the incumbent is being compensated at the rate established by agreement with the Organization. Your Honorable Board is respectfully petitioned to so rule.

OPINION OF BOARD: This Docket is controlled by Award No. 2007, wherein it is held that the services performed by Line Desk Clerks and Yard Clerks are interchangeable. Where it is shown that the work involved is work which has generally been performed by a position rated as yard clerk, there is no basis for a claim that such position should be rated as Line Desk Clerk. The record fairly indicates that at all times a yard clerk has been assigned at Taylor since 1933, the yard clerk position has performed the duties upon which the present claim is predicated. We adhere to Award 2007, which requires a denial of this claim.

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 agreement is shown.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 8th day of March, 1943.