

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

THE MINNEAPOLIS & ST. LOUIS RAILROAD CO.
(L. C. Sprague, Receiver)

STATEMENT OF CLAIM: Claim of the System Board of Adjustment of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Minneapolis & St. Louis R. R. that the carrier violated the Clerks' Agreement;

1. When on January 17, 1938 the carrier abolished the position of Chief Clerk at Mason City, Ia. and assigned all of the Chief Clerk's duties to the Cashier.

2. When on assigning Chief Clerk's duties to the Cashier the carrier required the Cashier to perform the duties of both positions at the Cashier's rate of pay of \$5.35 per day when Chief Clerk duties alone paid a rate of \$160.00 per month.

3. That the position of Cashier at Mason City, Ia. be re-rated to basis of Chief Clerk's rate of pay when same was in existence and to reflect all wage increases subsequently obtained through national negotiations and that claimant Ralph Height be reimbursed on this basis from January 17, 1938, the date the Chief Clerk's position was abolished and those duties assigned the Cashier.

EMPLOYEES' STATEMENT OF FACTS: On November 18, 1940 the General Chairman addressed a letter to Mr. R. E. Ryan, Ass't. Gen. Mgr. and in which letter was outlined the basis of employees' claim. (Exhibit "A".)

Conference on the subject was arranged for February 17, 1941 and results of that conference are as shown in Exhibit "B".

Further conferences were held on this subject and the Carrier finally made the suggestion that the position in question be increased 25¢ per day and which increase would establish the same rates as Cashier's positions at Albert Lea, Minn. and at Marshalltown, Ia. (Exhibit "C".)

In Exhibit "D" is outlined employees' reactions to such proposal and Exhibit "E" shows final decision of Carrier.

POSITION OF EMPLOYEES: There is in evidence an agreement covering the hours of service and working conditions of Clerks' Freight Handlers and Station Employees on the Minneapolis & St. Louis R. R. and this dispute arises from and involves the application of the rules of that agreement.

Management again met the Committee in conference on January 28th, 1938, which conference included Vice President Lyons of the Clerks' Organization.

At the conference on January 28th, 1938, an understanding was reached between Management and the Committee, which understanding was later covered by a Memorandum of Agreement, copy of which is submitted and identified as Carrier's Exhibit "A."

Information in detail on the change in Carrier's accounting plan that brought about an increase of employees in the General Office and a larger reduction of employees at stations is furnished your Board so that the Board will know that the plan and changes in employment conditions incident to the plan were discussed and a settlement reached with the representatives of the Clerks' organization.

On the basis of the facts herein outlined, we feel that the claim should be denied.

OPINION OF BOARD: This case involves the rate of pay of cashier at Mason City, Iowa. The Carrier offered to increase the rate of pay 25 cents per day. It is the opinion of this Division that based upon all the facts and circumstances of this particular case, this offer represented a fair disposition of the claim, and as the record does not indicate there has been any material change in the situation, the offer of the Carrier still represents a fair adjustment of the dispute upon which the parties should continue their negotiations to a settlement as of the date the claim was presented, November 18, 1940.

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 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 offer of the carrier in this particular case represented a fair disposition of the claim, and as the record does not indicate there has been any material change in the situation, the offer of the carrier still represents a fair adjustment of the dispute upon which the parties should continue their negotiations to a settlement as of the date the claim was presented, November 18, 1940.

AWARD

Parties shall continue their negotiations in accordance with the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

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