

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Curtis G. Shake, Referee

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: (1) Claim of the System Committee of the Brotherhood that the Carrier violated its agreement with the Brotherhood when after it assigned various employees working in offices at 12th Street and 63rd Street to positions of freight handlers at the South Water Street Freight Station, Chicago, it refused to compensate them for such service in accordance with the provisions of Rules 39 and 50 of the Clerks' Agreement, and

(2) That the Carrier shall now be required to compensate all such employees at the overtime rate of their regular assigned office positions for all overtime worked beginning with December 16, 1943.

EMPLOYEES' STATEMENT OF FACTS: Effective December 16, 1943 the Clerks' Committee notified Mr. Wm. Hale, Superintendent of Stations, that after that date they could not permit office clerks from the 12th Street and 63rd Street offices (and other offices) to work at South Water Street Freight Station at the freight handlers rate of overtime and that these employees should be either compensated at their own overtime rate of pay or receive eight (8) hours pay for each evening worked.

On September 2, 1943 the Clerks' Committee in a spirit of cooperation with Carrier officials in their effort to unload and move an accumulation of cars containing L. C. L. Freight verbally agreed with Mr. Hale to allow office clerks to unload and truck freight at the freight house at the freight handlers overtime rate of pay. This was only agreed to for an emergency period which they felt would last for about two or three weeks.

From 75 to 125 employees from the offices responded to the notice posted by the Carrier on September 1, 1943 reading in part as follows:

"Because of the temporary accumulation of merchandise cars at South Water Street Freight Station, Chicago, many which contain considerable quantities of material vital to the war effort, it is proposed to offer clerical employees in the General Offices at 12th Street and 63rd Street, Chicago, an opportunity to volunteer to truck freight each week day from 6:30 P. M. to 9:30 P. M., and on Sundays eight (8) hours per day, at time and one-half based on an hourly rate of 65½ cents per hour." (Underscoring ours.)

By September 18, 1943 (approximately 18 days time) the accumulation of carloads of merchandise on hand had dropped to normal. There were 336 cars on hand to be unloaded on September 1st and 62 cars on hand to be un-

In conclusion it is the position of the Carrier:

1. The employes for whom this claim is made volunteered to perform this trucking service at South Water Street.
2. It was separate and apart and in no way associated with their regular assigned duties.
3. Persons from other crafts and other industries volunteered in like manner.
4. There was no violation of any rule of the controlling agreement or any other rules or understanding now in effect.
5. To sustain the position of the employes under these circumstances would require placing in the agreement new rules not now provided for therein and not within the province of this Board.

The Carrier, therefore, requests that the claim be denied without qualification.

OPINION OF BOARD: Upon the authority of Award 2670, Docket CL-2670, involving the same subject matter, this claim must be denied.

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 carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 23rd day of October, 1944.