

Award No. 2964

Docket No. CL-3005

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

(Frank A. Thompson, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that the Carrier violated the Clerks' Agreement; when:

(1) It failed and refused to pay Timekeeper C. E. Stookey at the rate of \$8.87 per day for service performed May 22nd through June 3, 1944, and

(2) That Timekeeper Stookey shall now be paid the difference between rate received, \$8.52 per day, and the rate he should have received, \$8.87 per day, for the eleven days involved.

EMPLOYEES' STATEMENT OF FACTS: Immediately prior to May 22, 1944 there were six positions in the consolidated Timekeeping Bureau of the Auditor of Disbursements Office located at St. Louis, Mo., engaged in train and enginemen's timekeeping, these positions, payroll titles, assigned territory, daily rate, incumbent and seniority dates being as follows:

Position No.	Title	Assigned Territory	Daily Rate	Incumbent	Seniority Date
119	Timekeeper	Southwestern Divn.	\$8.87	Fred Morgan.	3- 1-05.
120	"	Nor. Div.-KCT.	8.77	H. E. Lamkin.	12-16-06.
121	"	Eastern Divn.	8.77	E. E. Carlock.	3-16-08.
122	"	Southern Div.	8.67	F. J. Walsh.	5-11-11.
124	"	Rivn. & Bham Trm.	8.52	A. Golden.	2-23-17.
125	"	Central Div.	8.52	C. E. Stookey.	12-13-15.

Mr. Fred Morgan for the past twelve years Southwestern Division Timekeeper, rate \$8.87 per day, was absent account vacation of twelve working days May 22nd through June 5, 1944 and during this period at the instruction of Mr. W. D. Jones, Chief Clerk, Mr. C. E. Stookey, Central Division Timekeeper, rate \$8.52 per day, occupied Mr. Morgan's position for eleven days, May 22nd through June 3rd, for which service he was paid his regular rate, \$8.52 per day, and during this eleven day period Mr. Stookey's regular position, Timekeeper Central Division, was worked by Mr. Giesike.

The carrier failed and has since refused to allow Mr. Stookey the rate of the position worked during the period involved. The carrier's position has been that the six portions engaged in train and enginemen's timekeeping are all of the same class, that no fixed rate applies to any of these positions and that during Mr. Morgan's absence the senior train and enginemen's timekeeper receiving a lesser rate, regardless of position worked, should have received Mr. Morgan's rate, with others being moved up in rate according to seniority. See employees' exhibit "A."

OPINION OF BOARD: The facts are: Timekeeper Fred Morgan, Rate \$8.87 per day, was absent from duty May 22nd through June 3, 1944. Timekeeper C. E. Stookey, rate \$8.67 per day, was used to relieve him. Claim is presented on behalf of Mr. Stookey for the difference in rate of pay for the period involved. Claim shows Mr. Stookey's rate as \$8.52 per day but subsequent submission shows correct rate to be \$8.67 per day.

Considerable argument is presented by both parties as to classification and distribution of work and co-related matters, but the real issue and the issue upon which the Board bases its Award are the facts as above stated. Based on those facts and under the Agreement, the claim will be sustained.

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 Employee involved in this dispute are respectively carrier and employee 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 claim is sustained in accordance with Opinion.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 25th day of October, 1945.