

Award No. 3157

Docket No. CL-3067

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

Guy A. Thompson, Trustee

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad Company that the Carrier violated the Clerks' Agreement:

1. When on November 12th to 19th inclusive, 1944, it failed and refused to release Clerk H. C. Housley from position of Yard Clerk, Van Buren, Ark., rate \$6.56 per day, hours 4:00 P. M. to 12:00 midnight, and permit him to go to his regular assigned position of yard clerk at Ft. Smith, Ark., rate \$6.41 per day, hours 8:00 A. M. to 12:00 noon—1:00 P. M. to 5:00 P. M., six days per week, to which position he was assigned on November 11th, 1944, per Superintendent's Bulletin No. 88-A dated November 11th, 1944, but instead held him at Van Buren, Ark. and required him to work 4:00 P. M. to 12:00 midnight on each of the dates shown.

2. That Clerk H. C. Housley shall be compensated the difference in amount of \$55.76 paid him by the Carrier and the amount he should have been paid:

(a). Eight hours at time and one-half at the rate of \$6.56 per day for work performed at Van Buren, 4:00 P. M. to 12:00 midnight, on each of the two Sundays, November 12th and 19th, 1944, or \$9.84 per day—twice \$9.84 equalling\$19.68;

(b). Eight hours at pro rata rate of \$6.41 per day of the regular assignment at Ft. Smith, Ark., less one hour, (period 4:00 P. M., to 5:00 P. M.—amount 80¢) for Monday, November 13th; Tuesday, November 14th; Wednesday, November 15th; Thursday, November 16th; Friday, November 17th and Saturday November 18th....\$33.60

NOTE: Eight hours at pro rata rate of \$6.41 for his regular assignment at Ft. Smith, Ark., 8:00 A. M. to 12:00 noon—1:00 P. M. to 5:00 P. M., less one hour (period 4:00 P. M. to 5:00 P. M., or 80¢) reducing the net amount which is due him for each such days in this phase of the claim to \$5.60 per day account working during that hour at Van Buren as result of the Carrier's action in holding him off his regular assigned position and prohibiting him from working same. (See claim (b) of Employees' Exhibit "L").

(c). 82¢ per hour for the period 4:00 P. M. to 5:00 P. M., each of the days of November 13, 14, 15, 16, 17, and 18th, (one hour pro rata rate of \$6.56 per day).....\$ 4.92

(d). Seven hours at \$1.23 per hour, 5:00 P. M. to 12:00 midnight, or \$8.61 per day for each day November 13, 14, 15, 16, 17 and 18th\$ 51.66

(See claim (d) of Employees' Exhibit "L").

	Total.....	\$109.86
Claim (a)	\$	19.68
(b)	\$	33.60
(c)	\$	4.92
(d)	\$	51.66
Total	\$	109.86

Less the amount paid Clerk Housley by the Carrier, as follows:

Sunday	—November 12th,	\$ 6.56
Monday	—November 13th,	\$ 6.56
Tuesday	—November 14th,	\$ 6.56
Wednesday	—November 15th,	\$ 9.84
Thursday	—November 16th,	\$ 6.56
Friday	—November 17th,	\$ 6.56
Saturday	—November 18th,	\$ 6.56
Sunday	—November 19th,	\$ 6.56
	Total.....	\$55.76..\$ 55.76

TOTAL AMOUNT CLAIMED.....\$54.10

NOTE: See summary of claim following claim (d) in Employees' Exhibit "L".

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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held and concluded. Under date of March 15, 1946, the parties jointly advised the Secretary of the Third Division of their desire to withdraw it from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 28th day of March, 1946.