

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

STATEMENT OF CLAIM: Claim of the Terminal Board of Adjustment, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that the Carrier violated the agreement:

- (1) When on November 19, 1945, it discontinued position titled "Stenographer-Clerk", daily rate was \$6.61 per day, and on November 20, 1945 established a new position title "Clerk Typist" with a daily rate of \$6.12 per day.
- (2) That Clerk, William A. Linehan, Jr. be compensated the difference in rate of pay from the date he assumed the new position until the position was abolished effective April 14, 1946.

EMPLOYEES' STATEMENT OF FACTS: Under date of November 19, 1945, Mr. Hy. Schmittgens, Jr. Freight Claim Agent of the Carrier posted bulletin Number 13 discontinuing the position of "Stenographer Clerk" in his department effective November 20, 1945. We submit copy of this bulletin as Employees Exhibit "a". This position was established on November 27, 1944 at a rate of \$6.61 per day. On November 20, 1945, the Freight Claim Agent in his bulletin Number 14, submitted as Employees Exhibit "b" advertised position described as "Clerk-Typist" at rate of \$6.12 per day. William A. Linehan, Jr. with seniority in Group No. 1 in the Freight Claim Department District Number 21 as of February 1, 1941 returned from Military Service just at this time and bid on this particular position protesting the rate of pay as a violation of Rule 59 of our current Agreement, and was awarded the position without comment.

Under date of December 1, 1945 the Organization wrote Mr. Schmittgens, Freight Claim Agent requesting that he re-consider and re-bulletin the position at the proper rate. We present copy of this letter as Employees Exhibit "c". Under date of December 19, 1945, Mr. Schmittgens replied advising that the Carrier had given the returning service man work in a clerical capacity, rather than as office boy and we submit copy of this reply as Employees Exhibit "d". We again wrote Mr. Schmittgens under date of December 19, 1945 and submit copy as Employees Exhibit "e". Mr. Schmittgens reply of December 31, 1945 is submitted as Employees Exhibit "f". On January 17, 1946 we wrote Mr. Schmittgens requesting a definite reply and this letter is submitted as Employees Exhibit "g". Mr. Schmittgens reply of January 19, 1946 is submitted as Employees Exhibit "h".

of equity or as a contractual requirement, why Mr. Linehan should be paid the rate applicable to the stenographic position.

OPINION OF BOARD: Without signifying agreement with all the contentions advanced, the Board concludes under the facts and circumstances of this case that the claim for additional compensation for the period November 20, 1945, to April 14, 1946, should 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 employe involved in this dispute are respectively carrier and employe 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 claim will be sustained in accordance with the Opinion.

AWARD

Claim sustained 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 7th day of March, 1947.