

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

LeRoy A. Rader, Referee

PARTIES TO DISPUTE:

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

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) Carrier violated the Clerks' Agreement when on December 1, 1951, they transferred the daily preparation of the 280 and 57 reports from the Stenographer-Clerk's position in the Chief Dispatcher's Office, Cedar Rapids, Iowa, to the Night Chief Dispatcher.

(b) That George Awes, Stenographer-Clerk, be paid three hours' punitive time each day from December 1, 1951 to and including April 12, 1953.

EMPLOYEES' STATEMENT OF FACTS: December 1, 1951 the Carrier transferred the preparation of the 280 and 57 reports to the Night Chief Dispatcher, an employee not covered by the Clerks' Agreement, and on December 21, 1951, the Division Chairman filed claim with the Superintendent, in behalf of Stenographer-Clerk, George Awes, for three hours' pay at overtime rate, daily, account carrier, effective December 1, 1951, discontinuing the preparation of the 57 and 280 reports and consolidating these reports with a report known as the 5:00 A.M. Situation Report, prepared by the Night Chief Dispatcher. (See Exhibit No. 1.)

The employees contend that while possibly the 57 and 280 reports lost their identity as 57 and 280 reports, essentially the same information as these two reports carried was embodied within the 5:00 A.M. Situation Report; hence, charge Carrier with transferring work normally attached to the Stenographer-Clerk position to the Night Chief Dispatcher.

In Employees' claim before your Board in favor of Gordon Oswald at Cedar Rapids, Iowa, where the Carrier discontinued the Night Report Clerk, copy of 280 Report is attached as Exhibit "A"; copy of 57 Report as Exhibit "B"; and copy of the 6 A.M. Situation Report as Exhibit "C", which reports were prepared by the Night Report Clerk prior to abolishment of the Night Report Clerk position, and inasmuch as this information is before your Board in the Gordon Oswald (Night Report Clerk) claim, we will not again attach such copies.

It is hereby affirmed that all of the foregoing is, in substance, known to the Organization's representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: This record presents the same factual situation, same Agreement between the parties, as that considered in Award No. 7246, the time involved being at a later period, otherwise the cases are identical.

We reaffirm our Finding in Award No. 7246.

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 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 7th day of March, 1956.