

Award No. 8468

Docket No. CL-9416

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement through its arbitrary and unilateral action in discontinuing the practice of using the Chief Clerk in the Superintendent's Office in Sacramento, Mr. D. J. Irwin, to supervise employees working overtime on week days or working on their rest days, Saturday and Sunday, in the preparation of timerolls and payrolls, beginning on or about June 1, 1955.

(b) The Carrier further violated the rules of the Clerks' Agreement when beginning on or about June 1, 1955, and continuing for a period of several months, Traveling Accountants were used to oversee the work of the employees in the Superintendent's Office in Sacramento when such work was performed on overtime or on employees' rest days.

(c) Mr. D. J. Irwin is entitled to and shall now be compensated for all overtime worked by employees under his jurisdiction in the Superintendent's Office in Sacramento, beginning July 10, 1955, and continuing until the violation herein involved is corrected by his being required to be present whenever such employees are working overtime.

NOTE: The time due Mr. Irwin to be determined from a joint check of the Carrier's timerolls and other records.

FINDINGS: The Third Division of the Adjustment Board, 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;

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

That hearing thereon was waived by the parties. Under date of September 2, 1958, the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 16th day of September, 1958.