

Award No. 8854
Docket No. CL-8221

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Norris C. Bakke, 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 the Carrier violated the Clerks' Agreement:

(1) When effective January 18, 1954, it abolished a clerical position at Dodge City, Kansas, and removed clerical work, comprised of the regularly assigned duties of that position from under the scope and operation of the Clerks Agreement and utilized the Agent-Operator, an employe paid a monthly salary, for all services rendered, such employe not covered by the Clerks Agreement, to perform same, violating Rule 1 and other related rules of the Clerks Agreement.

(2) That the clerical work performed by the Agent-Operator, an employe of another craft, be returned to the clerical forces.

(3) That the Carrier be directed by appropriate Board Order to compensate V. M. Bolding, Cashier, rate of pay \$312.13 per month, for two and one-twelfth (2-1/12) hours each day at punitive rate, effective January 19, 1954.

See Award 8783 for Statement of Facts and Positions of the Parties.

OPINION OF BOARD: This docket is before us again by virtue of our Award 8783 wherein we held that disposition on the merits would be withheld pending the giving of notice of the Telegraphers' Organization.

Such notice was given and the Telegraphers responded with a disclaimer. See Award No. 8851.

As to the merits of this case, it is a companion case to that in Docket CL-8135 involving the same Carrier and the same rules in which we issued a denial award. Award 8851.

A similar award is in order here. The Carrier did not violate the agreement and the claim is denied.

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: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 18th day of June, 1959.