

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

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

**THE WESTERN PACIFIC RAILROAD COMPANY**

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

(a) The Carrier violated and continues to violate the rules of the Clerks' Agreement when it transferred the work of distributing W-2 tax forms from employees in various offices and seniority districts to employees in the Accounting Department, by whom it has continued to be performed.

(b) The employees listed below are entitled to and shall now be compensated at the overtime rate for the number of hours shown, because of being denied the right to distribute W-2 tax forms for the year 1956.

<b>Name</b>	<b>Position</b>	<b>Hours</b>
K. G. Williams	Head Timekeeper	12
V. O. Davison	1st Asst. T&E Timekeeper	12
D. Richmond	Asst. T&E Timekeeper	12
Mildred R. Cox	Asst. Timekeeper	12
Geo. Darling	Asst. Timekeeper	12
Mildred E. Wingate	Asst. Accountant	12
Evelyn P. Bergin	Steno Clerk	12
William Miller	Train Desk Clerk	8
R. L. Kimball	Chief Timekeeper	16

(c) Other employees who were deprived of the work of issuing W-2 tax forms for the number of hours ordinarily involved in issuing W-2 tax forms.

**NOTE:** The names and amount of time involved to be determined by a joint check of the timerolls and other records, as well as by estimates furnished by the employees where carrier records are not conclusive or where there are no records.

(d) The employees named in claim (b) and/or their successors or reliefs shall likewise be compensated for the time indicated, for each succeeding yearly violation until it is discontinued.

(e) Other employees as referred to in claim (c) and/or their successors or reliefs, shall likewise be compensated as determined by the joint check, for each succeeding yearly violation until it is discontinued.

**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 and under date of February 23, 1960, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of 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: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March, 1960.