

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Levi M. Hall, Referee**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES  
CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RR. CO.**

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

1. The Carrier violated the Clerks' Rules Agreement at Milwaukee, Wisconsin when it assigned and continues to assign janitor work to employees not covered thereby.

2. The Carrier shall now assign the required janitor work in the office of the District General Car Foreman in Building CD-77, located in Davies Yard at Milwaukee, Wisconsin, to employees holding seniority in District No. 58.

3. The Carrier shall now be required to compensate Employee Johanna R. Vilaveck for eight (8) hours at the pro rata rate applicable to janitress positions in the Car Department Milwaukee Shops, Milwaukee, Wisconsin for each day that the violation continues subsequent to April 18, 1958.

**EMPLOYEES' STATEMENT OF FACTS:** There are a number of offices at various points within the shops at the Milwaukee Shops, Milwaukee, Wisconsin. Clerical and supervisory forces occupy these offices. One such office is located at Davies Yard and is occupied by the District General Car Foreman, his clerical help, and his Assistant Foreman.

The janitor work in the District General Car Foreman's office at Davies Yard is being performed by Car Department Laborer Frank Klug, who is an employee not covered by the Clerks' Rules Agreement.

In 1949 a request was made by the Clerks' Organization for correction of the assignment of janitor work in the Car and Locomotive Departments to laborers not covered by the Clerks' Rules Agreement, and as a result, janitor and janitress positions were established in Seniority Districts 55 and 58 to perform this work. (See Employees' Exhibits "A", "B", "C" and "D".)

it is work which has never been performed by employes within the scope of the Clerks' Agreement and that there can be no basis for the claim and we respectfully request a denial award.

All data contained herein has been presented to the employes.

(Exhibits not reproduced.)

**OPINION OF BOARD:** The janitor work in the District General Car Foreman's office at Davies Yard is being performed by a Car Department Laborer who is an employe not covered by the Clerks' Rules Agreement. Claimant is a furloughed janitress having seniority under the Clerks' Agreement.

In Award No. 10732 (Ables) this Board has interpreted the same Rule of the same Agreement and the identical violation is involved — that of assigning janitor work to employes not covered by the Clerks' Agreement. Award No. 10732 is a binding interpretation of the Agreement and Rules and must be followed by us.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 Agreement has not been violated.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 28th day of June 1963.