

**Award No. 12185
Docket No. CL-12074**

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Francis M. Reagan, Referee

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

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

(a) Carrier violated the rules of the Clerks' Agreement at Bluford, Illinois, when on August 1, 1958 and continuing through February 12, 1959, it assigned duties of higher rated position to occupants of lower rated position.

(b) C. E. Pepple be compensated fifty cents (\$0.50) per day, the difference between the rate of his position and the rate of the position from which the work was transferred, for August 1, 1958 and each day forward to and including February 12, 1959, exclusive of rest days.

(c) Doris N. Patterson be compensated fifty cents (\$0.50) per day, the difference between the rate of her position and the rate of the position from which the work was transferred for August 5 and 6, 1958 and each subsequent Tuesday and Wednesday to and including February 11, 1959.

EMPLOYES' STATEMENT OF FACTS:

(1) Prior to April 25, 1958, the following positions were in effect in the Mechanical Department at Bluford:

CAR DEPARTMENT

Position	Hours	Rate	Title	Rest Days
90	7 A.M. to 3:30 P.M.	\$17.76	Clk to Car Foreman	Sat & Sun
148	7 A.M. to 3:30 P.M.	17.76	Clk to Car Foreman	_____

ROUNDHOUSE

86	7 A.M. to 3 P.M.	17.76	Roundhouse Clerk	Fri & Sat
87	3 P.M. to 11 P.M.	17.26	Roundhouse Clerk	Sun & Mon
88	11 P.M. to 7 A.M.	17.26	Roundhouse Clerk	Tues & Wed

The Carrier maintains that it has adhered strictly to the provisions of the agreement in the distribution of the work under consideration and that the Employees' claim is without merit and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: Contention in this matter arose out of assignment of timekeeping duties previously performed only by Clerk to Car Foreman personnel to Roundhouse Clerks C. E. Pepple and Doris N. Patterson. Pay was given at the lower rate.

Claim was made this violated Rule 50 which reads:

"Employees temporarily or permanently assigned to higher rated positions shall receive the higher rates while occupying such positions; . . ."

A careful review of the record fails to disclose evidence at the property establishing to some degree at least that the assignment of such timekeeping work represented in fact temporary or permanent assignment to higher position.

The only evidence offered (Employees' Exhibit No. 4, Page 30) in support in this claim is the letter of Claimant Pepple to R. W. Copeland, General Chairman, Brotherhood of Railway and Steamship Clerks dated February 28, 1959 which unfortunately is not on the property and does not speak to this issue but rather to the erroneous idea that a Clerk to Car Foreman position had been eliminated.

Accordingly pursuant to Circular No. 1 this claim must be respectfully denied.

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 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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 7th day of February 1964.