

Award No. 12347
Docket No. CL-12281

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Michael J. Stack, Jr., 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 (GL-4872) that:

(a) Carrier violated rules of the Clerks' Agreement at Johnston Yard, Memphis, Tennessee, when on Tuesday, January 27, 1959, it required Clerk L. L. Stewart, the regular occupant of Relief Position No. 2 to suspend work on Position No. 63 and perform work on Position No. 355.

(b) Clerk J. D. Rodgers and/or his successor be compensated a day's pay at the penalty rate of Position No. 355 on Tuesday, January 27, 1959, and each Tuesday thereafter until proper relief is provided for Position No. 355. (Pro rata rate of Position No. 355, \$19.10 per day.)

EMPLOYEES' STATEMENT OF FACTS: There are employed at Johnston Yard, Memphis, Tennessee, a force of employees who perform the clerical work incidental to the operation of the terminal coming under the Scope of the Agreement effective June 23, 1922, as revised.

August 19, 1958, Carrier created position No. 355, hours 7:00 A.M. to 3:00 P.M. with Monday and Tuesday as rest days. Rest day relief was not provided for the position. Claimant Rodgers was assigned to the position in accordance with the Bulletin and Assignment provisions of the Agreement.

Therefore, Monday and Tuesday of each week became unassigned days insofar as Position No. 355 is concerned.

Beginning January 27, 1959, the Carrier in order to provide relief for Position No. 355 each Tuesday, removed Clerk L. L. Stewart from Position No. 63 and arbitrarily assigned him to perform the duties usually and customarily performed by Claimant Rodgers five days each week.

4. There has been no violation of Rule 37(f) because no work exclusive to Position No. 355 was performed on Tuesday as alleged.

The Carrier asserts that it has conclusively established that the claim before this Board is entirely lacking in merit and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This case is the same in all material respects as in Docket No. CL-11920, Award No. 12346.

We adopt the Opinion therein as determinative of the issues of this case.

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 20th day of March 1964.