

Award No. 15177
Docket No. CL-15619

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5787) that:

(a) Carrier violated the Agreement when work assigned to Mrs. V. D. Stevens, Clerk, Office of Manager Payroll Accounting, Atlanta, Georgia, was performed by W. S. Van Landingham, Chief Clerk, and H. V. Whitley, Head Clerk.

(b) Mrs. V. D. Stevens shall receive pay for September 11, 1963 at proper time and one-half of the daily rate of \$21.37, for four hours and twenty-five minutes, account being deprived of overtime work that for this period of time was performed by Messrs. Van Landingham and Whitley.

EMPLOYEES' STATEMENT OF FACTS: Mrs. V. D. Stevens has a Group 1 seniority date of May 16, 1947. She is regularly assigned as a clerk in the office of Manager Payroll Accounting, General Offices, Atlanta, Georgia.

Mr. W. S. Van Landingham is Chief Clerk to the Manager Payroll Accounting, General Offices, Atlanta, Georgia. His position is "excepted" from coverage of the Clerical Working Agreement.

Mr. H. V. Whitley, Head Clerk, is a schedule employe covered by the provisions of the Clerical Agreement. The duties of his regular assignment are the same as contained in Bulletin No. 919 and identified as Employees' Exhibit Q.

Chairman, Protective Committee, Mr. E. E. Yancey, filed the initial claim in this case on September 18, 1963, Employees' Exhibit A, and stated:

Mr. H. T. Amy
Manager, Payroll Accounting
Southern Railway System
125 Spring Street, S. W.
Atlanta 3, Georgia

"September 18, 1963

absent on such day and it is necessary to use a regularly assigned employe on such assignment at rate of time and one-half, preference to such work will be given the occupant of such position who is observing that day as his assigned rest day."

(Exhibits not reproduced.)

OPINION OF BOARD: A careful examination of the record in these dockets fails to reveal any violation of the Agreement in any of the claims there listed.

As a matter of fact the Carrier's action in each of the three claims is full in accord with the requirements of Rule 28.

The same issue, parties and rules were before this Board and disposed of by Award 10947 (Dorsey). It was a denial Award.

A denial Award is required here.

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 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 was not violated.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1967.