

Award No. 15224
Docket No. CL-15698

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Levi M. Hall, Referee

PARTIES TO DISPUTE:

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

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5765) that:

(1) The Carrier violated the Clerks' current Agreement when it abolished the position of Chief Clerk in Miller Yards, Dallas, Texas, on Saturday and Sunday of each week, June 6, 1964, and subsequent dates, and required Line Desk Clerks to perform the duties of the Chief Clerk.

(2) That Mr. J. J. Jarvis be compensated at the pro rata rate of \$22.16 per eight hour day instead of \$20.90, or an additional \$1.26 each Saturday beginning June 6, 1964, until the violation is corrected.

(3) That Mr. R. R. DeBorde be compensated at the pro rata rate of \$22.16 per eight hour day instead of \$20.90, or an additional \$1.26 for each Sunday beginning June 7, 1964, until the violation is corrected.

(4) That Mr. L. M. Cave be compensated eight hours at the time and one-half rate of Chief Clerk, \$22.16 per eight hour day each Saturday and Sunday beginning June 6, 1964, until the violation is corrected.

EMPLOYEES' STATEMENT OF FACTS: Mr. J. J. Jarvis is regularly assigned to Line Desk No. 4 position, 7:59 A. M., to 3:59 P. M., Tuesday through Saturday, with rest days Sunday and Monday, rate \$20.90.

Mr. R. R. DeBorde is regularly assigned to Relief Position No. 1, working Friday and Saturday IBM General Clerk No. 2, rate \$21.32, Sunday and Monday Line Desk Clerk No. 4, rate \$20.90, and Tuesday IBM Night Chief Clerk No. 1, rate \$21.68.

Mr. L. M. Cave is regularly assigned to Chief Clerk 7:59 A. M. to 4:59 P. M., rate \$22.16 Monday through Friday, Saturday and Sunday rest days.

Line Desk assignment and Relief Clerk assignment should receive rate of Chief Clerk on Saturday and Sunday and that the Chief Clerk had right to perform such work and should be paid on such days.

Claims were denied.

Exhibits 1 to 3, inclusive, are attached hereto and made a part hereof.

The applicable schedule agreement is that effective April 1, 1946, reprinted January 1, 1963, copy of which is on file with the Board.

(Exhibits not reproduced.)

OPINION OF BOARD: It is the contention of Claimants that the Carrier unilaterally abolished the Chief Clerk position on Saturday and Sunday and assigned its work to lower rated positions -- Line Desk Clerks. In its denial of the claim, Carrier maintains that Line Desk Clerks did not perform any of the Chief Clerk's work.

It is questionable from the evidence adduced in the record as to what, if any, of the Chief Clerk's work, the Line Desk Clerks were required to perform. From a review of the entire record we are convinced that Petitioner has not sustained the burden of proof required, as set forth by numerous awards of this Board. One of the later awards is Award 14991.

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 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 31st day of January 1967.