



Award No. 17207

Docket No. CL-16464

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Herbert J. Mesigh, Referee**

**PARTIES TO DISPUTE:**

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

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC  
RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6050) that:

1. Carrier violated the Clerks' Rules Agreement at Minneapolis, Minnesota on April 16, 1965 when it required employee John Weflen to suspend work on his regularly assigned position of Keypunch Operator Position No. 8771.
2. Carrier shall now be required to compensate employee John Weflen for four and one-half (4 1/2) hours at the pro rata rate of Keypunch Operator Position No. 8771 for working this position on April 16, 1965.

**EMPLOYEES' STATEMENT OF FACTS:** Employee L. D. Stuber, who has a seniority date in Seniority District No. 150 of June 1, 1960, is the regularly assigned occupant of Keypunch Operator Position No. 8771 at Minneapolis. His hours of service are 8:00 A.M. to 5:00 P.M. Monday through Friday, with Saturday and Sunday as rest days; rate of pay \$22.1824 per day.

Employee John Weflen, who has a seniority date in Seniority District No. 150 of June 1, 1960 is the regular occupant of Lead Machine Operator Position No. 8766 at Minneapolis. His hours and days of assignment are 8:00 A.M. to 5:00 P.M. Monday through Friday, with Saturday and Sunday rest days; rate of pay \$23.5124 per day.

On Friday, April 16, 1965, Keypunch Operator Position No. 8771 was temporarily vacant due to the occupant thereof, L. D. Stuber, filling a vacation vacancy on Disbursement Clerk-Grade A Position No. 8761.

Under normal conditions, six Keypunch Operator positions are maintained in effect at Minneapolis in Seniority District No. 150, however due to reduction in forces because of flood conditions, only one Keypunch Operator position, namely, Position No. 8771, remained in effect at the time of the occurrence which is the basis of this claim. Consequently there were furloughed Keypunch Operators who could and should have been called to fill the vacancy in Keypunch Operator Position 8771 on April 16, 1965.

There is attached hereto as Carrier's Exhibits "A" and "B" copies of letters written by Mr. S. W. Amour, Assistant Vice President to Mr. H. V. Gilligan, General Chairman, under dates of December 20, 1965 and January 19, 1966 respectively.

(Exhibits not reproduced)

**OPINION OF BOARD:** This is a companion case to Docket CL-16503, Award No. 17206. It is agreed as far as the rights of the parties are concerned, the two cases are essentially the same issue and maybe disposed of in the same manner; therefore, since no violation of the Agreement was found in Docket, CL-16503, Award No. 17206, this claim will be 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.

#### **A W A R D**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

**ATTEST: S. H. Schulty**  
Executive Secretary

**Dated at Chicago, Illinois, this 18th day of June 1969.**