



Award Number 17698

Docket Number CL-18012

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

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

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6493) that:

- 1) Carrier violated the Clerks' Rules Agreement at Deer Lodge, Montana, when it assigned time revisor work to Trainmaster Steno-Clerk, S. K. Winslow and failed to properly compensate her in accordance with the provisions of Rule 17.
- 2) Carrier shall now be required to compensate employe Winslow the difference in rate of Time Revisor Position 74030 and Trainmaster Steno-Clerk Position 74050 for the following amount of time on the following dates:

Case 207-2

1/16/67—3 hrs. 10 min.	2/ 9/67—1 hr. 20 min.
1/18/67—2 hrs.	2/10/67—2 hrs. 40 min.
1/19/67—2 hrs.	2/13/67—1 hr. 15 min.
1/20/67—1 hr. 10 min.	2/16/67—1 hr. 15 min.
1/23/67—3 hrs. 15 min.	2/17/67—1 hr. 10 min.
1/24/67—2 hrs.	2/20/67—1 hr.
1/25/67—2 hrs.	2/21/67—2 hrs. 30 min.
1/25/67—1 hr. 45 min.	2/23/67—1 hr. 45 min.
1/26/67—1 hr. 55 min.	3/ 1/67—2 hrs. 45 min.
1/27/67—1 hr. 10 min.	3/ 3/67—1 hr. 15 min.
1/30/67—1 hr. 30 min.	3/ 6/67—2 hrs. 45 min.
1/31/67—1 hr. 30 min.	3/ 7/67—2 hrs. 30 min.
2/ 1/67—1 hr. 30 min.	3/ 8/67—2 hrs. 30 min.
2/ 2/67—1 hr.	3/10/67—1 hr. 30 min.
2/ 3/67—1 hr. 15 min.	
2/ 6/67—2 hrs. 40 min.	

Case 210-2

3/13/67—1 hr. 45 min.	3/21/67—1 hr.
3/14/67—2 hrs.	3/22/67—1 hr. 30 min.
3/15/67—1 hr. 10 min.	3/23/67—1 hr. 45 min.
3/16/67—1 hr. 45 min.	3/24/67—1 hr. 15 min.
3/17/67—1 hr. 30 min.	3/27/67—2 hrs. 45 min.
3/20/67—2 hrs. 15 min.	

3/28/67—1 hr. 20 min.
 3/29/67—1 hr. 45 min.
 3/30/67—2 hrs.
 3/31/67—2 hrs.
 4/ 4/67—2 hrs.
 4/ 5/67—2 hrs.
 4/ 6/67—2 hrs.
 4/ 7/67—2 hrs. 15 min.
 4/10/67—1 hr. 45 min.
 4/11/67—2 hrs. 30 min.
 4/12/67—1 hr. 15 min.
 4/13/67—1 hr. 10 min.
 4/14/67—1 hr. 45 min.
 4/17/67—1 hr. 45 min.
 4/18/67—1 hr.

4/19/67—1 hr. 30 min.
 4/20/67—1 hr. 10 min.
 4/21/67—1 hr.
 4/24/67—1 hr. 10 min.
 4/25/67—1 hr.
 4/26/67—1 hr.
 4/27/67—1 hr. 35 min.
 4/28/67—1 hr. 10 min.
 5/ 1/67—1 hr.
 5/ 2/67—1 hr. 15 min.
 5/ 3/67—1 hr. 20 min.
 5/ 4/67—1 hr. 10 min.
 5/ 5/67—1 hr. 30 min.
 5/ 8/67—1 hr. 10 min.
 5/ 9/67—1 hr.

Case 213-2

5/15/67—1 hr. 30 min.
 5/16/67—1 hr. 10 min.
 5/17/67—1 hr. 15 min.
 5/18/67—1 hr.
 5/19/67—1 hr. 20 min.
 5/22/67—1 hr.
 5/23/67—2 hrs. 20 min.
 5/24/67—1 hr. 15 min.
 5/25/67—1 hr. 10 min.
 5/26/67—1 hr.
 5/29/67—1 hr.
 5/31/67—1 hr. 10 min.
 6/ 1/67—1 hr.
 6/ 2/67—1 hr. 10 min.
 6/ 5/67—1 hr.
 6/ 6/67—1 hr.
 6/ 7/67—1 hr. 30 min.
 6/ 8/67—1 hr. 15 min.
 6/ 9/67—1 hr. 30 min.

6/12/67—1 hr. 40 min.
 6/13/67—3 hrs. 30 min.
 6/14/67—2 hrs.
 6/15/67—2 hrs.
 6/16/67—1 hr. 45 min.
 6/19/67—1 hr. 30 min.
 6/21/67—1 hr. 40 min.
 6/22/67—2 hrs. 5 min.
 6/23/67—2 hrs. 15 min.
 6/26/67—2 hrs. 30 min.
 6/27/67—2 hrs.
 6/28/67—1 hr. 15 min.
 6/29/67—1 hr. 30 min.
 6/30/67—2 hrs.
 7/ 3/67—1 hr. 40 min.
 7/ 5/67—1 hr. 45 min.
 7/ 6/67—1 hr.
 7/ 7/67—1 hr. 5 min.
 7/10/67—1 hr. 35 min.
 7/11/67—1 hr. 5 min.

and for all subsequent dates that the violation continues.

EMPLOYEES' STATEMENT OF FACTS: Employee S. K. Winslow is the regularly assigned occupant of Trainmaster Steno-Clerk Position 74050 at Deer Lodge, Montana in Seniority District No. 44.

Position 74050 is assigned from 8 A.M. to 5 P.M., Monday through Friday, with Saturday and Sunday rest days; rate of pay \$23.7090 per day. The duties of Position 74050 as assigned by bulletin are:

"Be a competent typist, capable of taking shorthand at a speed required for standard investigations. Handle personal records and reports connected therewith. Help to compile tonnage figures from train sheets."

Employee H. C. Denton is the regularly assigned occupant of Time Revisor Position 74030 at Deer Lodge, Montana in Seniority District No. 44; rate of pay \$25.3159 per day.

Letter written by Mr. Amour to Mr. Hopper
under date of November 3, 1967

Case 213-2(A-2600-2).....Carrier's Exhibit "F"

(Exhibits not reproduced)

OPINION OF BOARD: Claimant, a Trainmaster Steno-Clerk, regularly assigned to Position 74050, was required, on various claim dates, to perform service on Time Revisor Position 74030 such time on each of the claim dates being less than four hours per date. Claimant, per rule 17 of the Controlling Agreement, is claiming the higher rate of pay for the time she spent performing work generally performed by the occupant of the Time Revisor Position.

We have carefully analyzed the record in this case and find that the evidence presented by the employees indicates that Claimant did perform work, on the claim dates, which work is generally that accruing to the Time Revisor Position therefore per rule 17 (b) Claimant is entitled to be compensated at the higher rate of pay, on a minute basis, for the time she spent performing Time Revisor work and such compensation is limited to payment of the higher rate for the time shown in the Statement of Claim.

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 violated.

A W A R D

Claim sustained as referred to in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1970.