

Award No. 18074
Docket No. CL-18390

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

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

NORTHERN PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6643) that:

1. The Carrier violated the provisions of the Clerks' Agreement, effective July 1, 1963, when it transferred the work of securing abstract runs, account books, white slips and accounts and the work of retaining, counting, and sorting of their own work from the following employees employed in the Freight Revenue Accounting Department to Special Accountant L. S. Johnson, commencing with October 9, 1967.

M. L. Storlien, Assistant Bureau Chief
A. J. Cursan, Clerk
B. H. Brunotte, Clerk
L. M. Cocchiarella, Clerk
B. H. Holmgren, Clerk
D. J. Beckerman, Operator-Clerk
H. L. Gibson, Clerk
Glenda Lickness, Operator-Clerk
P. J. Carney, Clerk
R. K. Karsten, Operator-Clerk
B. V. Fishbeck, Operator-Clerk
R. L. Johnson, Operator-Clerk
K. L. Erlandson, Clerk

2. The Carrier violated Rule 55 of the July 1, 1963 Clerks' Agreement when it failed to allow the claim of the thirteen employees specified in Item 1 hereof for payment of one hour computed at straight time rate on October 9, 1967 and each succeeding workday and holiday as presented.

3. The Carrier shall now be required to compensate the employees specified in Item 1 hereof one hour per day on October 9, 1967 and each

succeeding workday and holiday in addition to the compensation already paid.

EMPLOYEES' STATEMENT OF FACTS: The Comptroller's Department constitutes one seniority district and the Freight Revenue Accounting Department constitutes one seniority district in the application of Rule 4 of the July 1, 1963 Clerks' Agreement. These seniority districts are located in the St. Paul General Office.

The following employees, who have acquired seniority in the Freight Revenue Accounting Department, are assigned to the positions specified, working from 7:45 A. M. to 4:30 P. M., Monday through Friday.

M. L. Storlien, Assistant Bureau Chief
A. J. Crusan, Clerk
B. H. Brunotte, Clerk
L. M. Cocchiarella, Clerk
B. H. Holmgren, Clerk
D. J. Beckerman, Operator-Clerk
H. L. Gibson, Clerk
Glenda Lickness, Operator-Clerk
P. J. Carney, Clerk
R. W. Karstens, Operator-Clerk
B. V. Fishbeck, Operator-Clerk
R. L. Johnson, Operator-Clerk
K. L. Erlandson, Clerk

L. S. Johnson is assigned to a position of Special Accountant in the Comptroller's Department. The position of Special Accountant is specified in Rule 1(c) (exempt positions) of the July 1, 1963 Clerks' Agreement. The position of Special Accountant is paid a monthly rate to cover all services rendered.

Prior to October 9, 1967, each of the thirteen employees employed in the Freight Revenue Accounting Department, hereinabove specified, performed the work of securing abstract runs, account books, white slips, accounts and the work of retaining, counting, and sorting of their own work. Not less than one hour per day was consumed by each such employee in performing this work.

Effective October 9, 1967, the work of securing abstract runs, account books, white slips, accounts and the work of retaining, counting, and sorting of their own work was removed from their positions and then consolidated into one position. Concurrent with the consolidation of this work into one position, L. S. Johnson was assigned to perform the work of securing abstract runs, account books, white slips, accounts and the work of retaining, counting and sorting the work performed by the thirteen employees hereinabove specified.

On October 18, 1967, claim was presented in behalf of the thirteen employees specified in the Statement of Claim for payment of one hour per day in addition to the compensation already paid on October 9, 1967 and each succeeding workday and holiday because of the removal of work assigned to the positions occupied by these employees and the assignment of such work to an employee occupying an exempt position under the July 1, 1963 Clerks' Agreement. This claim was not declined by the Carrier until December 26, 1967, or

Enclosed as Carrier's Exhibit A is all correspondence concerning the handling of this claim on the property.

(Exhibits not reproduced.)

OPINION OF BOARD: The instant dispute presents the identical issue, under substantially the same factual circumstances as was considered by the Board in Award 18073, involving these same parties.

Accordingly, Award 18073 is held to be controlling herein and the claims in this dispute are sustained to the same extent and in accordance with the Opinion and Findings in said Award.

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 Carrier violated the Agreement in accordance with the Opinion.

AWARD

Claim sustained in accordance with the Opinion.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1970.

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION****Interpretation No. 1 to Award No. 18074****Docket No. CL-18390**

Name of Organization:**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES****Name of Carrier:****NORTHERN PACIFIC RAILWAY COMPANY**

Upon application of the representatives of the Employees involved in the above Award, that this Division interpret the same in light of the dispute between the parties as to the meaning and application, as provided for in Section 3, First (m) of the Railway Labor Act, as approved June 21, 1934, the following interpretation is made:

This Board in Award No. 18074 found that our Award No. 18073 controlled this dispute involving the same parties as to this dispute, and concluded that the claims are sustained to the same extent and in accordance with the Opinion and Finding in said Award No. 18073.

We interpreted our Award No. 18073, in Interpretation No. 1 to said Award, and for the reasons stated in said Interpretation, Carrier shall allow each claimant named in the claim one hour's pay at the straight time rate for October 9, 1967 and one hour's pay at the straight time rate for each workday the named claimants performed compensated service for Carrier, and for each holiday occurring in the claim period of October 9, 1967 to December 26, 1967.

Referee Paul C. Dugan, who sat with the Division, as a neutral member, when Award No. 18074 was adopted, also participated with the Division in making this interpretation.

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

**ATTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 29th day of October 1971.

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