

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21028  
Docket Number CL-21007

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and Station  
( Employes  
( (formerly Transportation-Communication  
( Division, BRAC)

PARTIES TO DISPUTE:

(  
(Valdosta Southern Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7779) that:

1. Carrier violated the Agreement(s) when it improperly relieved Agent C. J. Conner, Clyattville, Georgia, by Mr. Ed. Barrs, Car Accountant, an employe not subject to or covered by the Scope of the Agreements.

2. Carrier shall be required to compensate C. J. Conner eight (8) hours at one and one-half times the pro rata hourly rate of said position, and eight (8) hours at double time the pro rata hourly rate of said position to include time worked in excess of eight (8) hours when necessary to work overtime.

3. That a joint check of Carrier's records be made to determine if the position worked in excess of eight (8) hours each Saturday and Sunday.

4. That a joint check of Carrier's records be made to determine when Mr. Barrs commenced relieving Claimant Conner on Saturdays and Sundays.

OPINION OF BOARD: The claim alleges that on some unspecified dates a person not covered by the Agreement relieved the Agent at Clyattville, Ga., and demands a joint check of Carrier's records to determine the dates involved and the hours worked on each Saturday and Sunday.

The Carrier contends that the agent involved has been considered in the category of a salaried General Freight Agent not covered by the Agreement, for more than nine years, and that such a situation has been recognized by the Organization in prior handling on the property. In its submission to the Board the Carrier contends that claim was not initiated until four and one-half years after claimant began working a five day week; that claimant's salaried

position includes pay for all time worked, whether straight time, overtime, Saturdays, Sundays or holidays. The Carrier also contends that there is no rule in the Agreement requiring a joint check of Carrier's records as demanded in Parts 3 and 4 of the claim, and further contends:

"The Union did not follow the procedure outlined in Section 3 First (i) of the Railway Labor Act or Circular No. 1 of October 10, 1934 of the National Railway Adjustment Board because the Union failed to handle the dispute with the highest officer of the Valdosta Southern Railroad, who is E. R. Journee, Vice President."

We have no alternative but to dismiss the claim in its entirety.

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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1976.