

Award No. 4
Docket No. 4

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When on July 9, 1952, it nominally abolished the position of Bill Clerk, rate \$14.26 per day, at Conway, Arkansas, and removed the clerical work comprising the essence and substance of the regularly assigned duties of the position out from under the scope and operation of the Agreement and utilized a Station Agent, an employe of another craft, to perform said work, in violation of Scope Rule 1, Definition Rule 2 and other related rules of the Clerks' Agreement;
2. The Carrier be directed by appropriate Board Order to reimburse claimants Clerks F. M. Heaton and W. F. Mullings, for wage loss suffered due to the Carrier's action in violation of the Agreement as shown in 'Claim Statement' attached hereto and made a part hereof, which claims are continuing until the violation of Agreement is removed and the claims satisfied.

<u>Name</u>	<u>Seniority Date</u>	<u>CLAIM STATEMENT</u>		<u>Amount of Claim</u>	<u>Basis and Explanation of Claim</u>
		<u>Claim Dates</u>			
F. M. Heaton (at Russellville, Check Clerk)	"B" 10/28/41 "A" 6/6/42	July 9-10-11-14-15-16			Account Bill Clerk job, Conway, rate \$14.26 abolished, claimant exercised seniority to position of Check Clerk at Russellville, Ark.,
		17-18-21-22-23-24-25			\$13.78 per day, or
		28-29-30-31			net wage loss of 48¢ per day.
		17 days @ 48¢ day		\$8.16	
W. F. Mullings	"A" 9/10/42	Aug. 1-4-5-6-7-8-11-12			Account displaced by Heaton due to abolishment of Bill Clerk job, Conway, Mullings exercised seniority to Relief Clerk position (Pool 5) at Ft. Smith (Yard Clerk) rate \$13.48 per day, net wage loss 30¢ per day.
		13-14-15			
		11 days @ 48¢ day		5.28	
				\$13.44	
W. F. Mullings	"A" 9/10/42	July 28-29-30-31			Account displaced by Heaton due to abolishment of Bill Clerk job, Conway, Mullings exercised seniority to Relief Clerk position (Pool 5) at Ft. Smith (Yard Clerk) rate \$13.48 per day, net wage loss 30¢ per day.
		4 days @ 30¢ day		\$ 1.20	
		Aug. 1-4-5-6-7-8-11-12			
		13-14-15-18-19-20-21-22-25-26-27-28-29			
W. F. Mullings	"A" 9/10/42	21 days @ 30¢ day		6.30	

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Sept. 2-3-4-5

4 days @ \$1.80 day \$7.20

\$14.70

Account effective
Sept. 1, 1952, rate of
relief job on Baggage man
went to rate of job of
\$11.98 per day - difference
in \$13.78 and \$11.98 -
\$1.80 per day, for four
days \$7.20.

Claimant Mullings' claim is continuing each work day until
dispute is disposed of.

NOTE: Copy of Superintendent's notice of July 7 to Clerk Mullings is
attached hereto, also Superintendent's notice dated July 17, 1952
to Clerk Cox re Mullings going to Ft. Smith; also Superintendent's
notice to Cox that Mullings was going to work Monday, July 28, 1952
at Ft. Smith.

There were other employees adversely affected as check of payroll will
reveal, such as Clerk L. D. Houchins, George Arning, O. J. Smith,
W. R. Biggerstaff, R. L. Urquhart, who were displaced and suffered
wage loss.

Clerk L. D. Houchins left the service on September 10, 1952.

FINDINGS: This claim is, in all respects, identical to that sustained in
Third Division Award No. 6447. Accordingly, we find that the claim
here should be sustained.

The claim seeks wage loss for specific claimants exercising
seniority to lower rated positions rather than a claim for pay based on the
time spent by the Agent in doing work within the scope of the Clerks'
Agreement. There is no evidence in the docket as to the amount of time so
spent. Accordingly, to dispose of the claim, it is deemed appropriate to
sustain the claims of the named claimants, but the part of the claim which
alleges that other employees were adversely affected will be denied because
such claims are entirely speculative on the basis of this docket.

AWARD: Claim sustained in accordance with the Findings.

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/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

/s/ Ira F. Thomas
I. F. Thomas - Employee Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
January 17, 1957