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SPECIAL BOARD OF ADJUSTMENT NO. 167

AWARD NO. 4

Organization's File

102-A-14

Carrier's File

CL-10-53

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

"(1) The rules of the Clerks' Agreement were violated and have continued to be violated when assigned hours of a position titled 'Engine Dispatcher' at Helper Yard Office are designated from 3:00 A.M. to 12 o'clock Noon, with meal period specified 8:30 A.M. to 12 Noon, less meal period.

"(2) That Mr. N. J. Kloefer, and/or his successors, be paid three (3) hours at time and one-half for all time held on duty after 8:00 A.M., i.e., 8:00 A.M. to 12 Noon, less meal period."

FINDINGS: Formerly engine dispatchers were employed on round-the-clock basis at the Helper Yard Office. One position was later abolished and the two remaining positions assigned to start, one at 3 A.M. and the other at 3 P.M. Claim is based on Rule 35 requiring that when three consecutive shifts are worked covering the 24-hour period, no shift will have a starting time after 12:01 A.M. and before 5:01 A.M.

When the third shift of the engine dispatcher position was abolished, the work had not disappeared but continued and was performed by the occupant of the third shift bill clerk's position, on which three consecutive shifts were worked.

The assignment of that work to the bill clerks and their acceptance of it demonstrates that it came within the same class as the work regularly assigned to them. Accordingly the starting Rule 35 applied and claim is sustained at the pro rata rate.

Award No. 4

AWARD: Claim sustained as per findings.

/s/ Mortimer Stone  
Mortimer Stone  
Chairman, Neutral Member

/s/ D. L. Clavel  
D. L. Clavel  
Carrier Member

/s/ Wm. J. Donlon  
Wm. J. Donlon  
Organization Member