

SPECIAL BOARD OF ADJUSTMENT NO. 170

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) Carrier violated Rules of the Clerks' Agreement at Memphis, Tennessee, when on April 25, 1956, it unilaterally removed work theretofore occurring within the Memphis Freight Station Seniority District and transferred such work to the Freight Claim Agent 63rd Street, Seniority District, Chicago, Illinois.

(b) The clerical work incidental to processing cotton claims be returned to the Claim Clerks in the Memphis Freight Station Seniority District, Memphis, Tennessee.

(c) Claim Clerk Walter Apple be compensated for wage losses sustained representing \$6.51 per day retroactive to April 25, 1956, and forward to date the violation is corrected.

(d) Claim Clerk Harold Batte be compensated for wage losses sustained representing \$6.51 per day retroactive to April 25, 1956, and forward to date the violation is corrected.

NOTE: Reparation to be determined by joint check of Carrier's payroll and other records.

OPINION: The Carrier handles a large volume of cotton inbound to Memphis, Tennessee, for compressing and marketing, and outbound from Memphis to fabricators and manufacturers.

Under certain circumstances cotton shippers are entitled to a refund of all or part of the freight charges on cotton from point of origin to Memphis. To obtain the refund, the shipper files a claim with the railroad, attaching a copy of the freight bill on the transportation from point of origin to Memphis, and a copy of the bill of lading from Memphis to destination.

Payment of the claim is made by the Freight Claim Agent, an officer of the Accounting Department located in Chicago. Prior to date of claim, claimants were required to perform the clerical work incidental to compiling the information from various office records necessary for the Claim Department to process claims filed by Cotton Brokers for rebate of freight charges against cotton transit shipments.

For compiling this data, claimants were compensated on piecework basis, being allowed 39.42 cents per claim.

On or before April 25, 1956, the Carrier notified all Memphis cotton brokerage firms that all cotton freight rate over charge claims should be mailed to Freight Claim Agent's office at Chicago for collection instead of mailing them to the Freight Agent at Memphis.

It is the position of the employees that the involved work disappeared from the Memphis office and reappeared in the Freight Claims office in Chicago, where it is performed by employees having seniority rights in another seniority district.

It is the position of the Carrier that by instituting a new daily report at Memphis, the Carrier eliminated the need for the claimants to make notation on waybills and bills of lading, and the work done at Memphis was not transferred but eliminated.

It appears that the work claimants did on cotton claims has been discontinued, nor do we find any evidence that the work done by claimants is now being done in the Chicago office. It also appears that by eliminating the need for claimants to make notation on waybills and bills of lading, this was a discontinuance of such work done at Memphis.

See Award No. 37, Special Board of Adjustment No. 170.

FINDINGS: The Special Board of Adjustment No. 170, after giving to the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act;

That the Special Board of Adjustment No. 170 has jurisdiction over the dispute involved herein; and

That the agreement was not violated.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 170

/s/ Edward M. Sharpe

Edward M. Sharpe - Chairman

/s/ R. W. Copeland

/s/ E. H. Hallmann

R. W. Copeland - Employee Member

E. H. Hallmann - Carrier Member

Chicago, Illinois
October 29, 1958