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AWARD NO. 15
CASE NO. 15

SPECIAL BOARD OF ADJUSTMENT NO. 174

PARTIES The Brotherhood of Railway and Steamship Clerks,
 Freight Handlers, Express and Station Employees
TO

DISPUTE Gulf, Colorado and Santa Fe Railway Company

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

(a) Carrier violated the current Clerks' Agreement at Gainesville, Texas, when it denied to M. E. Liedtke the right to perform overtime work in Yard Office from 7:00 p.m. to 10:30 p.m., January 21, 1954, and from 6:00 p.m. to 8:00 p.m., January 22, 1954.

(b) M. E. Liedtke shall now be paid 3'30" at time and one-half at rate of Yard Clerk for January 21, 1954, and two (2) hours at time and one-half at rate of Yard Clerk for January 22, 1954.

FINDINGS: Special Board of Adjustment No. 174, upon the whole record and all the evidence, finds and holds:

The Carrier and Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act as amended.

This Special Board of Adjustment has jurisdiction over this dispute.

There were three yard clerk positions around the clock at Gainesville and also two train checker positions assigned to the first and third tricks. Although the positions have different titles, yard clerks and train checkers perform the same class of work.

Claimant was regularly assigned to a relief position with rest days on Thursdays and Fridays. The only days on which he was assigned to the yard office were Sundays and Mondays when he relieved the first trick yard clerk.

On the Thursday and Friday covered by the claim, the second trick yard clerk position required assistance due to increase in volume of work for two hours and one-half on Thursday and for two hours on Friday.

In order to provide this assistance the Carrier used the occupant of a regularly assigned relief position that relieved the third trick train checker on Thursday and the third trick yard clerk on Friday. He was used on both days during the assigned hours of the second trick: on Thursday for two and one-half hours before and continuous with his third trick train checker assignment; and on Friday for two hours before but not continuous with his third trick yard clerk assignment.

The claim is that Claimant should have been called on his rest days to perform the work by reason of his seniority.

First. On familiar principles the occupants of the positions on Thursdays and Fridays, who were regularly assigned to the class of work for which the overtime was necessary, had a preferential right to the work in question on those days, regardless of whether the work was performed on an overtime basis or on a call basis and regardless of whether the occupants of those positions on those days held regular or relief assignments.

Since no other occupants of the positions assigned to perform this class of work on Thursdays and Fridays filed claims, it is unnecessary to decide whether, within the class, the proper man was used.

Second. Neither Claimant's seniority nor his occupancy of the first trick yard clerk position on Sundays and Mondays gave him a superior right to the work in question on Thursdays and Fridays.

A W A R D

Claim denied.

/s/ Hubert Wyckoff
Chairman

/s/ F. D. Comer
Carrier Member

/s/ W. Ray Clark
Employee Member

Dated at Chicago, Illinois, October 7, 1959.

