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Award No. 10
Docket No. 10

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, effective on or about February 1, 1955, it required the Claim Clerk, Mr. G. S. Titsworth at Fort Smith, Arkansas, rate \$14.48 per day, assigned hours 11AM-7PM, Monday through Friday, to suspend work during his regularly assigned hours from the position of Claim Clerk and take over and perform the duty of a Bill Clerk, an established position, rate \$14.96 per day, 11AM to 7PM, Monday through Friday and assume the fulfillment of the duties and responsibilities of the Bill Clerk position for the period, each day, as shown in our Claim Statement, attached hereto and made a part hereof, February, 1955, to August, 1955, both months inclusive, and failed and refused and continued to refuse to adjust the rate to a level with Bill Clerk's rate -- \$14.96 per day, on such days, in violation of the intent and purpose of a proper application of the Preservation of Rates Rule 31(c) of the Clerks' Agreement;
2. Claim Clerk G. S. Titsworth shall be paid for the difference in the rate of Claim Clerk, \$14.48 per day and Bill Clerk, \$14.96 per day, or 48¢ per day, for each day the Claim Clerk was required to perform Bill Clerk work, beginning February 14, 1955, such claims to continue subsequent to the last day of August, 1955, each day that the Claim Clerk was required to perform Bill Clerk work, until the dispute is disposed of and the claim satisfied.

CLAIM STATEMENT

G. S. Titsworth, Claim Clerk, \$14.48 per day, Local Freight Office, Ft. Smith, Ark.

<u>Claim Dates</u>	<u>Amount</u>	<u>Basis of Claim</u>
Beginning February 14	48¢ per day	Difference in rate of Claim Clerk, \$14.48
March, April, May, June		per day and Bill Clerk, \$14.96 per day,
July and August, 1955,		for each date required by Carrier to per-
on dates each month as		form and assume fulfillment of duties and
stipulated in		responsibilities of a Bill Clerk -

Exhibits

11-1 February	February	10 days @48¢	\$ 4.80
11-2 March	March	21 days @48¢	10.08
11-3 April	April	19 days @48¢	9.12
11-4 May	May	20 days @48¢	9.60
11-5 June	June	15 days @48¢	7.20
11-6 July	July	9 days @48¢	4.32
11-7 August	August	18 days @48¢	8.64
		Total	53.76

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FINDINGS: Award 6965 of the Third Division, between the same parties, involved a very similar situation. That award sustained claims for the time the position was occupied, even to portions of a day, under Rule 31(c). We are not disposed to overrule that award on this Board and consequently sustain this claim in accordance therewith.

AWARD: Claim sustained in accordance with Award 6965.

SPECIAL BOARD OF ADJUSTMENT NO. 166

/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