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AWARD NO. 31
NRAB DOCKET CL-8575
CASE NO. 32
SSW FILE R-51-1031-1
BRC FILE NR-27-32

SPECIAL BOARD OF ADJUSTMENT NO. 169

PARTIES } The Brotherhood of Railway and Steamship Clerks
TO }
DISPUTE } St. Louis Southwestern Railway Company

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

(1) That Carrier violated the Clerks' current Agreement when it required certain employees in the office of Auditor Disbursements, Tyler, Texas, to suspend their regularly assigned duties on January 22, 23 and 24, 1951, to assist Mr. V. O. Magrill, Railroad Retirement Act and Social Security Clerk, in preparation of the Government W-2 forms, work normally attached to Magrill's job, to avoid overtime work that otherwise would have been necessary to complete compilation of the forms within the time designated by the Auditor.

(2) That the following employees be reimbursed at the straight time rate of their regular positions as follows:

Assistant Accountant, T. H. Whatley, 4 hours,
Clerk-Miscellaneous Accounts-Fuel, Wade Ellis, 14½ hours,
Assistant Accountant, W. S. Waddell, 12 hours,
Head Timekeeper, C. R. Morris, 2½ hours,
Roadway Timekeeper, H. E. Gilley, 7½ hours,
Roadway Timekeeper, C. Little, 2 hours,
Key punch Operator, Mrs. Nelda Bryant, 2 hours.

(3) That RRA and SSA Clerk, V. O. Magrill be reimbursed at time and one-half rate for forty four and one-half hours.

FINDINGS: The principle involved in this case was disposed of in Award No. 29, which denied a case similar to this in which the presumption that overtime would have been worked was rebutted by proof and Employees were unable to prove beyond the realm of speculation that overtime would have been worked. This case falls in the same category as the case in which Award No. 29 was written.

AWARD: Claim denied.

/s/ Frank P. Douglass
Frank P. Douglass, Chairman

/s/ W. E. Straubinger
W. E. Straubinger, Employee Member

/s/ L. C. Albert
L. C. Albert, Carrier Member

Tyler, Texas
April 23, 1957.