

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 the Clerks' Agreement at the Passenger Station, Fort Dodge, Iowa, when on April 4, 1955, it unilaterally assigned clerical work theretofore attached to a clerical position to be performed by employees of Carrier occupying positions that are not included within the Scope Rule of its Agreement with the Brotherhood, revised as of February 1, 1954.

(b) Ticket Clerk Position No. 264 be reestablished with all duties attached thereto which were performed by the occupant thereof prior to April 4, 1955.

(c) All clerical employees be compensated for wage losses sustained as a result of the abolishment of Position No. 264 at Fort Dodge, Iowa.

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

OPINION: Because of a decline in business over a period of years, the Carrier determined the service requirements no longer necessitated a position of ticket clerk under the scope of the Clerks' Agreement. On April 4, 1955, the Carrier abolished the position and assigned the remaining work to an operator-ticket clerk under the scope of the Telegraphers' Agreement.

It appears that there are employees employed in the passenger station at Fort Dodge, Iowa; a force of clerical employees who perform the clerical work in connection with the operation of the yard and passenger station. This station was built in 1912, and since that time telegraphers and ticket clerks have performed the duties of selling tickets.

It is the position of the Employees that the work remaining on an abolished position must be assigned to the remaining employees in the same class, if there are any available to perform it.

In Special Board of Adjustment No. 169, Award No. 7, concerning a dispute between the Brotherhood of Railway and Steamship Clerks and the St. Louis Southwestern Railroad Company, the Findings of the Board stated in part:

"The fact is known and recognized by railroad men generally that long prior to the organization of the Clerks' Organization and the recognition of it as a national organization, that operators

have always been given clerical work to the extent of their ability to perform it within their daily assignment, in order to give the operator a reasonable day's work along with the intermittent telegraph duties required of him. That theory was recognized by the Railroad Administration and prior to the time the organization became national in scope representing the class or craft known as clerks and has been recognized ever since. The fact is that a telegrapher under that concept is more or less a glorified clerk with duties over and beyond the ability of a normal clerk to perform, that is, telegraphy. But the right of the Carrier to assign clerical work to an operator to the extent of his ability to perform it within his daily assignment has always been recognized as the right of Carrier and not an imposition upon the clerks as a craft or class. . . ."

See, also, Award No. 24, Special Board of Adjustment No. 170.

In our opinion the result in this case is controlled by Award No. 7 above quoted.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

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/s/ Edward M. Sharpe

Edward M. Sharpe -- Chairman

/s/ E. H. Hallmann

A. B. Simmons -- Employe Member

E. H. Hallmann -- Carrier Member

Chicago, Illinois
January 17, 1950