

Award No. 613

Docket No. 616

2-KCT-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 38, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

KANSAS CITY TERMINAL RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That differential rate of 5¢ per hour be restored to job defined as "Engine Air and Light Job" at Kansas City Terminal Roundhouse.

EMPLOYES' STATEMENT OF FACTS: Over a period of many years, Kansas City Terminal Railroad Company has at their Kansas City shops and roundhouse paid a differential rate of five cents per hour for job defined as "Engine Air and Light Job." Effective date of June 5, 1940 management arbitrarily discontinued differential rate as aforesaid described.

POSITION OF EMPLOYES: That by their action of arbitrarily discontinuing differential rate management violated provisions of Rule 45 of current wage agreement.

Rule 45 The present wage scale including all differentials will remain in effect until changed in accordance with the provisions of the Railway Labor Act.

It is our further position that contention of management, (Employees Exhibits A and B, copies of letters) is not supported by rules of current wage agreement and that no provisions for a "lead machinist" are included therein, therefore contention of management is unsupported.

It is our further position that rates of pay are applicable to jobs and not individuals—apparently the position assumed by management. Violation in this instant case is obvious, therefore your Honorable Board should properly sustain claim of employees.

POSITION OF CARRIER: The position of the carrier respecting this claim is set out in two letters to the organization, which are quoted hereinbelow:

October 19, 1940
43-14

Mr. Clay Engel,
Secy-Treas., System Federation No. 38,
2500 East 49th Street,
Kansas City, Missouri.

Dear Sir:

Your letter of September 28, regarding the removal of the differential of five cents per hour from the so-called "engine, air and light job in the roundhouse." In our conference on October 7 you were

Mr. C. Richter worked the roundhouse jobs, such as air and headlight work, locomotive inspection, and machinist work in general, and in addition to performing regular work of his class, he assigned and directed the work of other mechanics.

(3) Give names and classification of employes he supervised and the average amount of time spent per day in supervisory work.

Mr. Richter assigned and directed employes in the classification of his craft in conjunction with his assigned work and he also distributed work slips to the mechanics. The time consumed would average about two hours per day in performing these additional duties during his regular assignment of eight hours as a mechanic.

(4) Give duties, if any, in addition to regular mechanics' work performed by man now assigned to this position.

None.

Yours very truly,

For:
INTERNATIONAL ASSOCIATION
OF MACHINISTS:

J. A. Keller
General Chairman, District No. 5

For:
KANSAS CITY TERMINAL
RAILWAY COMPANY:

P. C. Voorhees
Superintendent

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

The Division requested both parties to the dispute to furnish additional information to that contained in the record and from this it is indicated that C. Richter, the previous incumbent of the job in question, was on May 13, 1931, reduced from assistant foreman to machinist, carrying a differential rate of pay, and in addition to his regular duties of machinist on air and headlight work, locomotive inspection and machinists' work in general, was also assigning and directing the work of other mechanics for which it is apparent that the differential rate of 5¢ per hour was paid.

The present man who succeeded to the position held by Richter does not assign and direct the work of other mechanics and, therefore, is entitled only to the mechanics' rate of pay.

AWARD

Claim of employes denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 23rd day of April, 1941.