

NATIONAL RAILROAD ADJUSTMENT BOARD  
Third Division

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.

DISPUTE.—Rate adjustment of basic rate of 70 cents per hour to basic rate of \$210.00, flat monthly rate, for the Agent at Caldwell, Kansas, retroactive to the date Exclusive Agent was required by the company to take over Yardmaster job and First Trick Telegrapher job, and the duties in connection therewith at that point.

FINDINGS.—The Third division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employees involved in this dispute are respectively carrier and employee 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 position of Agent at Caldwell, Kansas, is included within an existing agreement (bearing effective date of January 1, 1928) between the parties, at the specified rate of 70 cents per hour; and which rate is shown to have been established by negotiation.

On January 17, 1931, position of Yardmaster (having night assignment) was discontinued.

On October 1, 1932, position of First Trick Telegrapher was discontinued, and the telegrapher duties thereof were assumed by the Agent.

The request of complainant party for change in said rate of pay, involving an increase therein, and to be retroactively applied, is presented upon the basis of a new position having been created.

A certain rule of agreement is cited by complainant party in support of claim of upward adjustment of wage rate, to wit:

"ARTICLE 2 (a). *New Position—Compensation.*—When new positions are created, compensation will be fixed in conformity with that of existing positions of similar work and responsibility in the same seniority district."

AWARD

Any change in the rate of 70 cents per hour for the position of Agent, Caldwell, Kansas, shown to have been established by negotiation and made matter of agreement between the parties, may be accomplished by the same process of negotiation and agreement, and the case is therefore remanded to the parties.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,  
*Secretary.*

Dated at Chicago, Illinois, this 20th day of February 1935.