

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Paul Samuel, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE.—That the rate of pay for three telegraphers in "RN" Oak St., Louisville Yard, because of added duties, be established at 82 cents an hour for first trick, and 77 cents an hour for each of second and third tricks, and that the rate be made retroactive to May 1, 1932.

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 Carriers and Employees 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 the dispute were given due notice of hearing thereon.

Under date of February 20, 1935, this Third Division of the National Railroad Adjustment Board rendered an award which is hereby recalled by the Third Division, and the same is of no further effect.

This cause was again considered and a conference held between the parties on March 4, 1935, but failed of settlement, and the case later became deadlocked. Whereupon Paul Samuel was called in as Referee to sit with this Division.

This matter thereupon came on for conference and hearing.

Originally there were located in Louisville,

I. C., Oak St., "RN" telegraph office-----	Rate of pay 70 cents hour.
I. C., "JA" telegraph office rates-----	82 cents an hour, first trick, 77 cents an hour second and third tricks.
I. C., Assistant Agent Oak St., rate-----	79 cents an hour.
P. R. R., Block Office "Kings" rate-----	Unknown.

October 5, 1931, "Kings" block office abolished and the duties of blocking I. C. trains between 14th and Kentucky Streets and Union Station were assigned to the telegraphers in Oak St., "RN" office.

In January 1932, position of Assistant Agent Oak St., was abolished and all of his duties, except handling of crews, for which he received extra compensation, were assigned to the telegraphers in Oak St., "RN" office.

May 1, 1932, "JA" telegraph office was abolished and it is claimed by the employees that much of the work attached to that office was assigned to the Oak St., "RN" office, and, therefore, the rate of pay for the three telegraphers in the "RN" Oak St., Louisville Yard should be established at 82 cents an hour for the first trick, and 77 cents an hour for the second and third tricks, and that the rate be made retroactive to May 1, 1932.

There is, however, only one agreement in evidence before this Board relative to rates of pay. This agreement bears date August 16, 1932, and provides on page 38 that the three positions of operator at Louisville "RN" office shall be 70 cents an hour.

The Referee is of the opinion, which opinion is concurred in by a majority of the members of this Division, that it would be improper for this Adjustment Board to consider rates of pay which might have been established under any agreement between the carrier and the employees prior to August 16, 1932. In other words, the agreement dated August 16, 1932, between the carrier and employees has been and is now the governing rate at the "RN" Oak St., Louisville Yard, and there appears to be no ambiguity which would give this Division

the right to arbitrarily alter the rate of pay inasmuch as there is no saving clause in said last-mentioned agreement reserving the right of the employees to demand an increase in the rate of pay under any previous agreement.

AWARD

Claim denied.

By Order of the Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 24th day of June 1935.