

NATIONAL RAILROAD ADJUSTMENT BOARD  
Third Division

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE TEXAS AND PACIFIC RAILWAY COMPANY

DISPUTE.—“Claim of the General Committee of The Order of Railroad Telegraphers on the Texas & Pacific Railway, that, when the position of Operator-Cashier was created at Monahans, Texas, June 12th, 1934, the rate should have been fixed at 67¢ an hour, in conformity with Rule 21-(b) of the Telegraphers' Agreement, and that this rate be now established retroactive to that date and the incumbent or incumbents since that date be reimbursed in an amount equal to the difference between what they have earned on that position and what they would have earned on it at 67¢ an hour.”

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 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 said dispute were given due notice of hearing thereon.

There is in evidence an Agreement, bearing effective date April 1, 1928, between the parties governing the wages and working conditions of employees therein designated and, under the heading “Rio Grande Division” appears the following:

Location	Classification	Rate per hour	Location	Classification	Rate per hour
Midland.....	Agent.....	\$0.90	Monahans.....	Agent.....	\$0.67
	Cashier-operator.....	.87		Operator.....	.65
	Operator.....	.65		Operator.....	.65
	Operator.....	.65		Operator.....	.65

For a considerable period of time prior to June 12, 1934, only three positions were maintained at Monahans, the Agent performing the telegraph duties on the first trick.

The carrier having decided that the Agent at Monahans needed additional assistance the following was posted:

“Advertisment No. 7.

“BIG SPRINGS, TEXAS, May 31, 1934.

“All Agents and Operators, Rio Grande Division:

“Vacancy exists Monahans, position Operator-Cashier, rate 65¢ per hour, assignment 8:00 a. m. to 4:00 p. m., daily except Sundays.

“Duties—Telegraphic work, handling station accounts, rates, tickets, etc., Cashier's work, and such other duties as may be assigned.

“Bids for this vacancy will be accepted in this office up to and including 5:00 p. m., June 10, 1934.

“All bids must be in writing and should state seniority date, qualifications, etc., for handling the work described above.

“A. E. PISTOLE, Superintendent.”

and an assignment to such newly created position was made June 12, 1934.

Petitioner cites from the aforementioned Agreement and relies upon certain rules, to-wit:

"ARTICLE 21. (a) Where existing pay roll classification does not conform to Article 1, employees performing service in the classes specified therein shall be classified in accordance therewith.

"(b) 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.

"(c) The entering of employees in the positions occupied in the service or changing their classification or work, shall not except by mutual agreement between the Management and Committees, operate to establish a less favorable rate of pay or condition of employment than is herein established."

Whereas, the carrier represents, among other things, that the relative importance of the stations at Midland and Monahans warrants the higher rate established for position of Agent at Midland and that, for the same reason, a rate for Cashier-Operator at Monahans lower than that established for same position at Midland was and is warranted.

The Third Division finds Article 21 (b) of Agreement cited to be controlling, and since it is shown that the position of Cashier-Operator at Midland is assigned "similar work and responsibility in the same seniority district" as has been assigned the position of Cashier-Operator newly created at Monahans as of June 12, 1934, the wage rate of the latter should have been fixed in conformity with the former.

#### AWARD

Claim sustained effective March 18, 1935.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 3rd day of December 1935.