

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank M. Swacker, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION
EMPLOYES**

SOUTHEASTERN EXPRESS COMPANY

STATEMENT OF CLAIM: "Claim of employes for restoration of rate of pay of \$157.20 per month on Messenger position assigned to run on Southern Railway Trains Nos. 12 and 39, Charlotte Division, Atlanta-Greenville-Charlotte Route, which rate of pay was reduced from \$157.20 to \$134.20 by the Carrier on January 13, 1936, in violation of working agreement rules and wage agreement, and claim for reimbursement of wage losses suffered by incumbents of that position retroactive to January 13, 1936."

EMPLOYEES' STATEMENT OF FACTS: "1. The position of Messenger in question was and still is one position in a group or pools of messenger runs on the Atlanta-Charlotte Route of the Charlotte Division.

"2. Prior to January 13, 1936, the following messenger pools were in existence:

A. A pool consisting of three messenger positions operated from Atlanta, Ga., to Charlotte, N. C., on trains 12 and 39, salary \$157.20 per month as follows:

Train No. 12—Report Atlanta 6:30 A. M., depart 8:00 A. M., arrive Charlotte 5:25 P. M., off duty 6:15 P. M. Handles through Atlanta to Richmond, Va., car and messenger works all local points together with picking up all through and local traffic. Through North-bound traffic for Lynchburg, Va., Washington, D. C., and Washington transfer is transferred to Trains Nos. 32 and 40 at Danville, Va.

Train No. 39—Report Charlotte 7:30 A. M., depart 9:05 A. M., arrive Atlanta 5:20 P. M., off duty 5:50 P. M. Through traffic Washington, D. C., to Atlanta, Ga., also handles as through car Richmond to Atlanta which is picked up at Salisbury, N. C.

B. A pool consisting of three messenger positions operated from Atlanta, Ga., to Charlotte, N. C., on trains 40, 39-11, salary \$157.20 per month, as follows:

Train No. 40—Report Atlanta 12 Noon, depart 1:10 P. M., arrive Charlotte 8:20 P. M., off duty 8:50 P. M. Through traffic Atlanta to Washington and Washington Transfer.

OPINION OF BOARD: The run appears to be handling the same traffic as formerly and the same as that handled by the two messengers who now handle the balance of the movement, Greenville to Atlanta, and who continue on the agreed rate of \$157.20. The result of the new arrangement is that the assignment in question, between Charlotte and Greenville, now handles much more than one third of the work performed by the old pool. The position is much more arduous than formerly and than that of the other part of the run operated by the two messengers. The hours are now 253½ compared to the old basis of 215 hours each for the three men and the new basis of 160-1/3 for the other two men.

Viewed as technically falling within rule 79 a wrong rate was adopted. The existing Charlotte-Greenville rate of \$134.20 was established to operate on a pair of local trains carrying very light traffic. The run here in question is a through main line operation. Consequently the rate previously applicable to this portion of the run, and still applicable to the other end of it, is far more comparable than the local rate.

FINDINGS: The Third Division of the Adjustment Board, after giving 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 the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the proper rate to have applied on the run in question in conformity with the agreement was \$157.20 instead of \$134.20 and that the occupants are entitled to reparation of the difference since January 13, 1936.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of March, 1938.