

Award No. 626

Docket No. CL-620

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**

**THE CHICAGO, ROCK ISLAND AND GULF
RAILWAY COMPANY**

(Frank O. Lowden, James E. Gorman, Joseph B. Fleming, Trustees)

STATEMENT OF CLAIM: "Claim for adjustment in rate of pay, under the provisions of Rule 69, of position of 1st trick Yard Clerk, Amarillo, Texas, from \$124.50 per month to \$152.00 per month and adjustment of rate on positions of 2nd and 3rd trick Yard Clerk from \$124.50 per month to \$140.00 per month, effective May 1st, 1936."

STATEMENT OF FACTS: The following represents the Joint Statement of Facts signed by representatives of the carrier and the petitioner, and which were certified by the petitioner ex parte:

"JOINT STATEMENT OF FACTS.

Dalhart, Texas, July 17, 1936.
1207-2

"On account of the following changes having been made at Amarillo, Texas, since year 1929:

'Dispatchers moved from Amarillo to Dalhart;

'Rock Island withdrawing from joint interchange and the following positions being abolished:

'Day Yardmaster.

'Night Yardmaster.

'Two Caller Clerks.

'Abstract & Demurrage Clerk.

'Yard Checker General Clerk.

'Claim OS&D Clerk.

'Rate Revising Clerk.

'Trainmaster's Clerk.

'Bill Clerk.

'Check Clerk.

"Various changes have been made in assignment of work to the three yard clerk positions at Amarillo as indicated on three attached joint statements, as a result of which employees are contending for an adjustment of rates.

(Signed) B. P. McKENNON
Division Chairman, B. of R. C.
For the Employees

(Signed) H. E. McMULLEN
Superintendent, C. R. I. & G. Ry.
For the Company

"If these yard clerks are required to assume the duties and responsibilities of the yardmasters, then they would of course not have to rely on 'some one in authority' when things out of the ordinary every day run occurred.

"The clerks' organization in their handling of this dispute have indicated no basis other than Rule 69 for contending an increase should be granted the positions.

"There are other yard clerk positions on this same division, i. e.,

Hutchinson, Kans.—Yard clerk	1—\$120.00
	1— 115.00
	1— 112.00
Pratt, Kans. " "	1— 120.00
	2— 118.00
Liberal, Kans. " "	1— 117.00
	1— 114.50
Dalhart, Tex. " "	1— 124.50
	1— 129.50

so that it is quite apparent the present rates at Amarillo are 'in conformity with the salaries of analogous positions (of similar kind and class) in comparable localities' as required by Rule 68, and that Rule 69, which supplements Rule 68, therefore, is not operative.

"There is no justification for an increase such as is now requested for these yard clerks.

"It is hereby affirmed that all data herein contained is known to the employees' representative and is hereby made a part of this dispute."

OPINION OF BOARD: Evidence of record discloses that there have been sufficient increases in the duties and responsibilities of the three positions in question to warrant upward adjustments in compensation thereon, under the provisions of Rule 69. The evidence also indicates that somewhat greater responsibilities have been added to the first trick position than to the other two. The board finds that increases of \$15 to the first trick and \$10.50 to the other two tricks, per month, are warranted effective May 1, 1936. (See Award No. 613.)

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 increases of \$15 per month to the first trick position and \$10.50 per month to each of the other two positions should have been granted effective May 1, 1936, under the provisions of Rule 69.

AWARD

Claims sustained to extent indicated by Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 29th day of April, 1938

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**INTERPRETATION No. 1 TO AWARD No. 626,
DOCKET No. CL-620**

NAME OF ORGANIZATION: Brotherhood of Railway and Steamship
Clerks, Freight Handlers, Express and Station Employees

NAME OF CARRIER: The Chicago, Rock Island and Gulf Railway
Company

(Frank O. Lowden, James E. Gorman, Joseph B. Fleming, Trustees)

Upon application of the representative of the carrier involved in the above award, that this Division interpret the same in the light of the dispute between the parties as to its meaning, as provided for in Sec. 3, First (m) of the Railway Labor Act, approved June 21, 1934, the following interpretation is made:

Your petition requesting that portion of Award 626, Docket CL-620, which granted an increase in pay be set aside, has been considered by the Division and you are advised that your request is respectfully denied for the reasons set forth in Interpretation No. 1 to Award No. 613, Docket CL-609.

Referee Frank M. Swacker, who sat with the Division, as a member, when Award No. 626 was adopted, also participated with the Division in making this interpretation.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 9th day of June, 1938.