

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 PACIFIC
RAILWAY COMPANY

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

STATEMENT OF CLAIM: "Claim of The General Committee of The Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes on the Chicago, Rock Island and Pacific Railway for adjustment in rate of pay, effective June 27th, 1936, under the provisions of Rule 69, for the three Yard-Ticket Clerks at Pratt, Kans., as follows:

Trick	Assigned Hours	Rate of Pay June 27, 1936	Requested Rate Effective June 27, 1936
1st trick Yard Clerk	8:00 A. M.-4:00 P. M.	\$120.00	\$137.50
2nd trick Yard Clerk	4:00 P. M.-12:00 Midnight	118.00	137.50
3rd trick Yard Clerk	12:00 Midnight-8:00 A. M.	118.00	137.50"

EMPLOYES' STATEMENT OF FACTS: "The rates of pay for the three Yard Clerks at Pratt, Kans., were adjusted effective March 1st, 1929, through negotiations between the carrier and the employes' representatives. At that time the force employed was as follows:

Three yard clerks
Three callers
Two ticket clerks
Two baggagemen
One day yardmaster
One night yardmaster

The yardmasters handled the crew board and all other matters pertaining to the yard. The crew callers called all crews and assisted in answering the telephone. The Yard Clerks handled straight yard clerk's work, such as checking yard and trains, working the bills, handling diversions, making red-ball reports, inspecting fruit trains, inspecting cattle and compiling various reports and keeping records incident to the operation of the yard.

"In the first reduction of force they cut off the three call boys and this work was turned over to the Yard Clerks. The day and night yardmaster were then cut off. The yard office was moved to the passenger station and

at Pratt. Increasing and decreasing of the number of crews, as well as general supervision of the Board, is under the direction of the Trainmaster and Chief Dispatcher.

"The employes apparently would have your Board believe they have taken over the duties and responsibilities of the yardmaster positions formerly maintained at Pratt which were discontinued in 1930 and 1931. The duties which are required of yardmasters consist of general supervision of operations in yard, freight and passenger train and yard engines, making up and breaking up trains, supervising the work of switch engines and crews, and knowing that such switch crews are familiar with the rules of the operating department, that trains are properly made up, and in addition the yardmaster is charged with the responsibility of being familiar with the rules of the train service and the duties of the employes connected therewith—but none of these duties and responsibilities are required of the Yard Clerks at Pratt.

"Yardmasters, of course, in the ordinary course of their work, do some incidental clerical work, but it does not follow that such work formerly handled by yardmasters when assigned to a yard clerk is sufficient to warrant an adjustment in the rate of pay, because such incidental clerical work handled by the yardmaster may be and is only the work which would ordinarily be handled by a yard clerk when a yardmaster's position is not in existence.

"The other items of work listed by these employes, such as handling mail and baggage, billing cream, writing up way bills, building fires, making live stock contracts, expensing way bills, keeping inbound and outbound train record, supervising general order books and bulletin board, etc., are all items of work which are performed at many stations in comparable localities by employes receiving no greater compensation than these Yard Clerks at Pratt.

"Returning to Rule 68, which establishes the only yardstick on which rates of pay for new positions can be legally based under the contract, we wish to call attention to the rates of pay of yard clerks at other points on this same division, and to point out that the rates at Pratt are comparable with the rates paid at these other points. It is true a few of the rates at other points are higher than at Pratt, but this resulted from an increased allowance made to such positions in 1923 and 1925 when all clerical rates were adjusted, based on the conditions surrounding each position, and larger increases were granted at Amarillo and Dalhart because at that time, due to oil activities in that vicinity, living costs were considerably higher.

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

Amarillo, Texas	Yard Clerk	1—\$124.50
		1— 124.50
		1— 124.50
Dalhart, Texas	" "	1— 124.50
		1— 129.50
		1— 120.00
Hutchinson, Kansas	" "	1— 115.00
		1— 112.00
		1— 117.00
Liberal, Kansas	" "	1— 114.50

"There is nothing to distinguish the three positions at Pratt from other similar positions, nor are there any circumstances which warrant such positions being paid more than other positions required to assume the same degree of responsibility and the same duties; and therefore, under the rule provided for measuring the value of a position for the purpose of determining the proper rate of pay (Rule 68) the employes' request must be declined."

OPINION OF BOARD: Rule 69 provides that compensation for a position should be adjusted, viz.; (a) where there is an increase in the duties

and responsibilities, or (b) where there is a change in the character of the service required. Several such changes have occurred with respect to the Ticket Yard Clerk positions at Pratt over a period of time culminating June 27, 1936, when they were assigned the handling of crew boards, duties formerly performed by yardmasters and this increased the duties and responsibilities of their positions. And, by requiring the occupants of these positions to perform local office and passenger station work, especially the selling of tickets and the handling of money under bond, it changed the character of the service required of these positions. Such changes in work seem to have been recognized by the parties in previous instances where the duties of positions of Ticket Clerks and Yard Clerks were combined.

The evidence discloses that there have been sufficient increases in the duties and responsibilities, as well as sufficient changes in the character of service required on each of the three positions of Ticket-Yard Clerks, to warrant upward adjustments in compensation under the provisions of Rule 69 and the Board finds that the amount of such increases should be \$10.50 per month on each position, retroactive to June 27, 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 an increase of \$10.50 per month each in rates of pay should be granted effective June 27, 1936.

AWARD

Claim 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. 627,
DOCKET No. CL-638**

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

NAME OF CARRIER: The Chicago, Rock Island and Pacific 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 627, Docket CL-638, 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. 627 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.