

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Ernest M. Tipton, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: (a) That the railway violates the provisions of Rule 38 of the agreement between the Central of Georgia Railway Company and the Brotherhood of Railroad Signalmen of America when it refuses to adjust rate of pay of signalman's position at Macon, Georgia.

(b) That such adjusted rates of pay shall be effective as of June 1, 1941.

EMPLOYES' STATEMENT OF FACTS: There is an agreement in effect between the Central of Georgia Railway Company and the Brotherhood of Railroad Signalmen of America, effective July 1, 1921.

Rule 38 of the agreement reads as follows:

"Wages for New Positions. Wages for new positions shall be in conformity with positions of similar kind, class and hours of service."

Due to a number of changes and additions on the maintainer's section at Byron, involving principally the installation of Centralized Traffic Control, an agreement was reached in accordance with the provisions of Rule 38, quoted above, increasing the rate of pay for the Byron position from 75¢ per hour to 80¢ per hour. Until this date the positions at Byron and at Macon paid 75¢ per hour. The adjustment effective October 1, 1928 established a differential of 5¢ per hour and this differential still prevails with the Byron signal maintainer's rate of \$1.00 per hour and the rate of other signal maintainers' positions, including the one at Macon, at 95¢ per hour.

Sometime following the installation of Centralized Traffic Control on the Byron signal maintainer's section, a substantial change was made by the addition of Centralized Traffic Control on the signal maintainer's section at Macon.

The Macon section is herewith compared with the Byron section:

	Byron	Macon
Semaphore signals	27	34
Light signals	18	10
Levers	18	16
Free levers	1	2
Switches with circuit controllers	12	14
Power operated switches	2	4
Spring switches	1	1
Time releases	12	6
Push button releases	—	5

"Mr. Weaver agreed to ask the Management for increase of 5¢ per hour for the Byron Maintainer on the basis that this would not be considered as in any way establishing a precedent and that when the position was vacant the Committee would co-operate and not in any way hinder the selection of the best qualified man for the position."

The management of the railroad granted the increase of 5 cents per hour on the above understanding, and on October 2, 1928, letter was addressed to the General Chairman of the B. R. S. of A. as quoted below:

"Savannah, Ga., October 2, 1928. cew-McC
5012-2

Mr. F. B. Stanley, General Chairman,
Brotherhood RR Signalmen of America,
Americus, Georgia.

Dear Sir:

Referring to our conference on September 24th:

I have secured formal authority to make the Maintainer's rate at Byron 80 cents per hour, effective October 1st, and have filed a memorandum of the understanding which we had at our conference with respect to filling vacancies at this location in future, and the general matter of differential jobs in the Signal Department.

Yours very truly,

(Signed) C. E. Weaver,
Chief Engineer."

The agreement was adhered to by the B. R. S. of A. Committee for many years, as you will observe the Macon territory has had 13.86 miles of centralized traffic control on it for over 12 years. The present maintainer bid in this section, starting work December 9, 1940, and then set up a claim on May 14, 1941, that this territory should have a 5 cents per hour increase. This request for an increase in pay on this territory was denied on the ground that the increase in the year 1928 to the Byron maintainer was not to establish a precedent and that the Macon territory is so located other experienced signalmen and relief maintainers are available in case any difficulties should arise and the maintainer should need assistance. Further, it is the headquarters of the signal supervisor and signal engineer and his staff. Therefore it was not necessary to request the committee to co-operate, as was done on the Byron section, in order that the best man available could be put on this Macon section, regardless of seniority.

OPINION OF BOARD: This claim is for the establishment of the same rate of pay on the Macon signal maintenance section as that established on the Byron signal maintenance section in 1928. The employees, in support of their claim, rely on Rule No. 38 of the current agreement, which reads:

"Rule 38. Wages for New Positions: Wages for new positions shall be in conformity with positions of similar kind, class, and hours of service."

Prior to October 1, 1928, the agreed rate of pay for signal sections was seventy-five cents per hour, and on that date, the pay for the Signalman in charge of the Byron section was increased five cents per hour, but the increase did not apply to other sections. This differential is still in existence.

The employees claim that the work at the Macon section is very similar to that in the Byron section, and, therefore, should be paid the same. There is some dispute between the parties as to the comparison of the work and apparatus to be maintained on both sections in question.

The Macon section was in existence for many years prior to the establishment of the differential rate at Byron. From 1924, the maintainer on this section had 3.5 miles of centralized traffic control to maintain on the Atlanta District. In 1929, centralized traffic control was added on 5.34 miles of track on the Savannah District. In 1930, due to the change in the limits of this section, the maintainer on this section was relieved of the 3.5 miles of centralized traffic control on the Atlanta District, and the limits were extended on the Albany District requiring the maintenance of a total of 13.86 miles of centralized traffic control of single track. There is, also, 1.7 miles of signaled double track.

On the Byron section there are 18.55 miles of centralized traffic control.

Both the Byron and Macon Sections, as they existed prior to the installation of centralized traffic control, had automatic signals, interlocking plants, one or more grade crossing protections, and other signal apparatus.

The issue in this claim is, Was there a **new position** created by the changes made in the years 1929 and 1930?

A similar question was before this Board in Award No. 482. In ruling that claim, the Board said:

"In so far as the increase of work as between two periods is concerned, the Board submits that this constitutes no basis for action on the part of the Board as so far as rates of pay for any increase of responsibility on the part of the employees is indicated or concerned, this is a matter of discussion and adjustment between the parties to the agreement, provided no change is indicated in the proper classification of the employees."

Consequently, in this case the additional miles of centralized traffic control and increased responsibility would not create a new position. The parties to this claim for approximately eleven years did not treat this as a new position. If it had been a new position, it should have been bulletined under Rule No. 28. That rule requires new positions to be bulletined.

If the Macon section is entitled to an increase in pay, it is a matter to be settled by negotiation, as was done at Byron in the year 1928.

It follows that the claim should be denied.

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 employee involved in this dispute are respectively carrier and employee 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 there was no violation of the agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 17th day of December, 1942.