

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) Carrier disregarded provisions of Rule 2, paragraph (i) of the Schedule for Clerks, effective August 1, 1929, when on or about April 11, 1942, a new position of ticket clerk was established in the ticket office at Decatur, Illinois, with a rate of \$6.64 per day.

(b) Rate of new position should be \$7.12 per day to conform to rate of similar position in the office; duties of the new position being of equal or more importance than a position with established daily rate of \$7.12. New position to be re-bulletined with the proper rate of \$7.12 per day.

(c) The occupant or occupants of the new position created on or about April 11, 1942, to be compensated for difference in rate of \$7.12 per day and \$6.64 per day, effective from date assigned to said position.

EMPLOYES' STATEMENT OF FACTS: Account of large increase in passenger business, Carrier issued a bulletin notice form 1714, dated April 11, 1942, advertising a new position of ticket clerk in ticket office at Passenger Station at Decatur, Illinois. Hours of assignment 10:30 A. M. to 7:30 P. M., one hour for lunch, seven day assignment, rate \$6.64 per day.

H. R. Lee, senior ticket clerk in the office, seniority date of August 9, 1915, made application for the new position and was assigned by clerical bulletin dated April 16, 1942.

Position vacated by H. R. Lee, daily rate of \$7.12, hours assigned 2:00 P. M. to 10:00 P. M., no assigned meal period, was subsequently bulletined and assigned to clerk previously holding ticket clerk position with hours of assignment 10:00 P. M. to 7:00 A. M., seven days per week, rate \$6.64 per day.

Clerk H. R. Lee, upon assuming duties of new position with hours of assignment 10:30 A. M. to 7:30 P. M., rate \$6.64 per day, found that duties in connection with ticket sales and information requested by passengers, were of a more extensive nature, consequently, more responsibility was assumed by him than on the position he had vacated with daily rate of \$7.12, hours 2:00 P. M. to 10:00 P. M.

For a number of years previous to creation of the new position of ticket clerk on or about April 11, 1942, rate \$6.64 per day, the ticket office force at Decatur ticket office consisted of one Ticket Agent and two Ticket Clerks. One position with assigned hours 1:00 P. M. to 9:00 P. M., rate \$7.12 per day, and the second position with assigned hours 9:00 P. M. to 6:00 A. M., rate \$6.64 per day.

The foregoing shows that the submission of the alleged dispute referred to herein to the Board is without question an attempt on the part of the Committee to obtain an increase in the established rate of the position of Ticket Clerk involved, and, therefore, it is obvious that the adjudication of the alleged dispute set forth in the Committee's ex parte Statement of Claim does not fall within the province of the Board, and, accordingly, the contention of the Committee should be dismissed and the claim denied.

OPINION OF BOARD: Position of ticket clerk was established in ticket office at Decatur, Illinois. Bulletin was issued April 11, 1942; the Carrier states the position was put on May 5, 1942. There is conflict as to the exact date.

The record is clear this was a new position subject to the provisions of Rule 2, paragraph (i), reading:

"The wages for new positions shall be in conformity with the wages for positions of similar kind or class, in the seniority district where created."

The undisputed record shows that the new position in question carried greater duties and responsibilities than those of other positions in the office paying rates of \$6.64 per day, and also equal to those of position paying \$7.12 per day. Under the facts of record Rule 2, paragraph (i) governs the claim effective with date the new position was put on.

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 employe involved in this dispute are respectively carrier and employe 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 claim is sustained in accordance with Opinion.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of March, 1944.