

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

A. Langley Coffey, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE GRAND CENTRAL TERMINAL

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers in the Grand Central Terminal, that

(a) The duties of the third trick Tower Director position at Signal Station "A" on the Upper Level in Grand Central Terminal, New York City, were materially increased when effective August 8, 1949, the operation of all train movements was transferred and added to the duties of this Tower Director position due to the closing and abolishing of all telegraph schedule positions at the Lower Level Signal Station "B" between the hours of 10:00 P.M., and 6:00 A.M., daily, and

(b) As a result of this material increase in the duties of the third trick Tower Director position at Signal Station "A" the rate of pay shall be increased to the same rate paid the first and second trick Tower Director positions in this Signal Station effective August 8, 1949, in accordance with the provisions of Rule 5 of the Telegraphers' Agreement.

EMPLOYES' STATEMENT OF FACTS: An agreement bearing effective date of October 1, 1944 is in effect between the parties to this dispute, hereinafter referred to as the Telegraphers' Agreement; copies thereof are on file with the National Railroad Adjustment Board.

There are two levels for train operation in Grand Central Terminal. The Upper Level is usually used for handling express trains, while the Lower Level handles local or commuter trains for the most part. The New York Central Railroad and the New York, New Haven and Hartford Railroad use these same facilities. Signal Station "A" is located on the Upper Level and handles and controls all train movements in and out of the Grand Central Terminal on that level. Signal Station "B" is located on the Lower Level directly beneath Signal Station "A". Signal Station "B" handles and controls all train movements in and out of Grand Central Terminal on the Lower Level. Both are underground structures beneath the streets of New York City.

Prior to August 8, 1949 the Lower Level was in operation around the clock, 24-hours a day, and all local and commuter trains in and out of the Terminal were handled by Signal Station "B". Two telegraph schedule employes classified as Tower Director and Leverman respectively were on duty in Signal Station "B" on the night shift between the hours of 10:00 P.M., and 6:00 A.M.

Trick	July	October
First	15	17
Second	15	16.7
Third	5.4	7.8

It will be noted that the average number of trains handled per hour on the third trick is less than 50% of the average handled on either the first trick or the second trick.

This disparity indicated by the averages is further increased by the incidence of a heavy traffic peak in the time between 8 and 9:30 A.M. and another heavy traffic peak in the time between 5 and 6:30 P.M., Monday to Friday, inclusive. The impact of these peaks affects the first and second tricks, respectively, but has no effect on the third trick.

Even though the Tower Director on the third trick handles less than 50% of the volume of business that is handled by either the first or second tricks, the differential in his rate of pay is only 9.1 cents below the rate received by the first and second trick Tower Directors.

The request for an increase of 6½c was presented by the General Chairman in August 1949, when the differential was 6½c as may be noted from the table of rates in the Carrier's statement of facts. The request, therefore, contemplates that there shall be no differential but that the Tower Director on the third shift will be paid the same rate as the Director on the first and second shifts, notwithstanding the volume of traffic is less than one-half.

For the information of the Board the Carrier shows below for the years 1945 to 1949, inclusive, the total number of trains, cars, and passengers handled in and out of Grand Central Terminal, and calls attention to the decrease in all three items for the year 1949. We are experiencing further decreases in all three items in the first two months of 1950.

**GRAND CENTRAL TERMINAL
GRAND TOTALS INCLUDING N.Y.C. & N.Y.N.H.&H.**

Year	Trains	Cars	Passengers
1945	207,743	1,657,809	64,719,574
1946	212,561	1,763,484	65,156,063*
1947	219,796	1,806,545*	63,471,983
1948	220,828*	1,789,925	60,274,570
1949	198,724	1,623,950	56,050,192

* Peak year.

Decrease over Peak Year	22,104	182,595	9,105,871
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CONCLUSION

In view of the sharp decline in business handled through the Terminal and in view of the comparison of the rates paid to the Directors and the business handled by the Directors on the respective tricks in Tower "A", we see no justification, under Rule 5 or otherwise, for any increase in the rate paid the third trick Director. The undersigned respectfully requests the Board to deny the claim.

(Exhibits not reproduced.)

OPINION OF BOARD: While the parties are in accord with respect to the abolishment of the Third Trick position at Signal Station "B" under date of August 8, 1949, and the transfer of that work to Signal Station "A", they cannot agree with respect to the application of Rule 5 reading:

“When the duties of any position are materially increased or decreased salaries should be adjusted in conformity with positions of the same class.”

We call attention to the fact that this rule reads, “in conformity with positions of the same class”. In another case on this same assignment, Award 5093, we held, in effect, that language comparable to that in question and which refers to class of work does not require the marked similarity in the work as is required by a rule requiring a comparison of “duties and responsibilities.” Also compare Award 3485.

There is no dispute that the duties and responsibilities of the position under investigation have increased. The only difference between the parties concerns the amount of increase and is one of degree. A Carrier representative is on record as recognizing that the rate should be increased to conform to rates paid on the first and second tricks. The whole record requires a finding that the duties of the position in question have materially increased.

The Carrier’s concern that compliance with the rule at issue will disturb and in fact remove existing and historical differentials in rates of pay cannot be recognized as a valid criticism or objection to a sustaining award. The preservation of differentials is based on a continuation of the duties of different positions to which rates attach and with which comparisons are made. It is the change of duties here in question and not the resulting change of rates which brings about elimination of differentials. The subject rule is self-executing in instances where applicable and provides that salaries shall be adjusted in conformity with positions of the same class.

We hold that the Organization should prevail and claims should be sustained.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Carrier has violated the agreement as contended by the petitioner.

AWARD

Claim (a and b) sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 21st day of November, 1950.