

Award No. 8850
Docket No. TE-8116

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Norris C. Bakke, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Order of Railroad Telegraphers on the Pennsylvania Railroad Company that,

The duties and responsibilities of the Agent at Bordentown, N. J. have increased 175% since the monthly compensation was agreed upon by the General Manager and this Committee. It is further claimed the duties and responsibilities will increase another 25% in 1952. Request is made that we now comply with Regulation 8-A-1 of the rules and regulations covering Telegraph Department employees.

EMPLOYEES' STATEMENT OF FACT: Prior to 1948, Bordentown Station was a one man Agency. Due to the increase of business at this station beginning with 1947 and with a substantial increase for each succeeding year up to and including 1952, the Local Chairman on the New York Division listed the subject as shown in statement of claim for discussion with the Superintendent at meeting held on February 4, 1952.

In letter dated August 14, 1952, the Superintendent denied the claim. On November 4, 1952, a joint submission was completed for further handling with the General Manager of the Eastern Region. This subject was discussed by the General Manager and the General Chairman at meeting held on January 27, 1953. On January 29, 1953, the General Manager, in a letter to the General Chairman, asked that the matter be remanded to the Division Superintendent for a joint check to be arranged by the Superintendent and the Local Chairman. This joint check to compare the duties and responsibilities of the Agent at Bordentown with those of the agencies at Lambertville, N. J. and Hightstown, N. J.

On June 11, 1953, the committee selected to conduct the joint check, submitted their report to the Superintendent and Local Chairman. In letter dated June 30, 1953 with a copy of the report attached, the General Manager asked the General Chairman for concurrence in accepting the report of the Committee. On August 17, 1953, the General Chairman listed this subject

CONCLUSION

The Carrier has shown that the hours, days, duties or responsibilities of the Agent position at Bordentown have not been substantially changed and that as a consequence thereof paragraph (b) of Regulation 8-A-1 does not impose any requirement upon the Carrier to enter into negotiations with the *Organization for the purpose of effecting an adjustment in the monthly rate of pay of said position.*

Therefore, the Carrier respectfully submits that your Honorable Board should deny the claim of the Employees in this matter.

All data contained herein have been presented to the Organization involved.

(Exhibits not reproduced.)

OPINION OF BOARD: This claim is based upon a misapprehension of the facts as disclosed by this record, and shows no violation of its rule 8-A-1(b) relied upon by the Organization.

Claim is predicated upon the rate of pay that was made effective in 1946 whereas the present schedule shows an adjustment upwards was made in 1951.

Rule 8-A-1(b) reads as follows:

“(b) When the number of days or number of hours constituting the monthly tour of duty of a Group 1 position, are substantially changed, or the duties or responsibilities of a Group 1 position, are substantially changed, adjustment in the monthly rate of pay for such position shall be a subject for negotiation between the proper officer of the Company and the duly accredited representative of employees.”

This rule is plain and unambiguous. Record does not disclose what the situation is today.

If the disparagement in duties and responsibilities of claimant justify a new consideration, it may be started at any time.

However the instant claim will have to be dismissed.

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 Carrier did not violate the agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois this 18th day of June, 1959.