



Award No. 17068
Docket No. TE-15629

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago, Rock Island and Pacific Railroad, that:

1. Carrier violated and continues to violate the Agreement between the parties when, effective November 20, 1963, it added new devices controlling train movements to its interlocking plant at so-called Short Line Tower, Des Moines, Iowa, substantially increasing the duties and responsibilities of the towermen at that location, but refused to increase rates of pay of the incumbent towermen commensurate with the extent of the said duties and responsibilities.

2. Carrier shall be required to increase rates of pay for all towermen at Short Line Tower, Des Moines, Iowa, not less than 27.08 cents an hour retroactive to November 20, 1963, in accordance with Rule 9 of the Agreement.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties effective August 1, 1947, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

Rule 9 of the Agreement reads:

"RULE 9.

NEW DEVICES - RATE ADJUSTMENT

When the operation of a device controlling train movements is added to any position, if additional duties and responsibilities of the position result, any additional allowance to cover such service will be predicated upon the extent of the increased duties and responsibilities."

Short Line Tower, Des Moines, Iowa, is a continuously open interlocking plant located at the juncture of this Carrier's two main lines, i.e., the North-South line between Kansas City, Missouri, and Minneapolis, Minnesota,

CARRIER'S STATEMENT OF FACTS:

1. There is an agreement in effect between the parties to this dispute bearing an effective date of August 1, 1947 (reprinted to November 1, 1956 - Rates of pay revised to May 1, 1962) on file with your Board which by this reference is made a part of this submission.

2. Rule 9 of the above Agreement provides:

"NEW DEVICES - RATE ADJUSTMENT.

When the operation of a device controlling train movements is added to any position, if additional duties and responsibilities of the position result, any additional allowance to cover such service will be predicated upon the extent of the increased duties and responsibilities."

3. Effective November 20, 1963, Carrier installed 17 gas switch heaters at its Short Line Junction, Des Moines, Iowa. The switch heaters are controlled by means of four toggle switches located in the Short Line Junction Tower. One toggle switch controls the switch heaters in each direction from the tower, i.e, North, South, East and West.

4. The Employees filed the instant claim for an increase in the rate of pay of all towermen-telegraphers working at Short Line Tower account alleged application of Rules 7, 8 and 9 of the Telegraphers' Agreement. The handling on the property of the Employees' claim is set forth under the following Carrier Exhibits:

EXHIBIT A - Employees' December 16, 1963 letter of claim;

EXHIBIT B - Carrier's January 2, 1964 letter of declination;

EXHIBIT C - Employees' January 7, 1964 letter of appeal;

EXHIBIT D - Carrier's July 30, 1964 letter of declination (as a result of conferences held on March 2, 11; May 18 and July 23, 1964);

EXHIBIT E - Employees' August 4, 1964 letter;

EXHIBIT F - Carrier's August 11, 1964 letter.

(Exhibits not reproduced.)

OPINION OF BOARD: Carrier installed gas switch heaters at its Short Line Junction, Des Moines, Iowa. A switch heater is a device which heats a railroad switch, thereby melting the snow or ice from it, thus making it again capable of operation.

Prior to the installation of these heaters, the telegrapher would have to call out a signal section gang to clear the snow or ice from the switch, thus freeing it for operation.

Now, however, when the switches become inoperable due to snow or ice, the telegrapher simply activates the proper heaters by switching on one of

four readily accessible toggle switches, each of which controls the switch heaters in each of the four directions from the Short Line Junction Tower.

Organization claims that the addition of the operation of these switch heaters to the position of telegrapher without increased compensation violates Rule 9 of the Agreement which provides:

"NEW DEVICES - RATE ADJUSTMENT.

When the operation of a device controlling train movements is added to any position, if additional duties and responsibilities of the position result, any additional allowance to cover such service will be predicated upon the extent of the increased duties and responsibilities."

We cannot agree.

Even assuming, arguendo, that the operation of these switch heaters is ". . . the operation of a device controlling train movements . . .", there is no substantive evidence whatsoever in the record that such operation resulted in an increase in the duties and responsibilities of the position of telegrapher.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of April 1969.