

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19342
Docket Number SG-19165

Gene T. Ritter, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Kansas City Terminal Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Kansas City Terminal Railway Company:

For thirteen (13) cents per hour for back pay from September 16, 1968, through December 31, 1968, for each hour worked during that time for each of the following employees:

| | |
|-------------------|----------------------------|
| E. Dollard | Signal Test Man |
| E. L. Snyder | Traveling Maintainer |
| R. I. Trundle | Asst. Foreman |
| K. E. Bradrick | Asst. Foreman |
| B. P. Meller | Asst. Foreman |
| C. H. Clark | Signalman Maintainer |
| C. J. McKay | Traveling Maintainer |
| H. C. Semrau | Asst. Foreman |
| R. Norman | Signalman Maintainer |
| D. E. Eatherton | Signalman Maintainer |
| K. L. Carver | Relief Maintainer |
| E. L. Anderson | Signalman Maintainer |
| R. L. Kerr | Signalman Maintainer |
| W. J. Johnson | Signalman Maintainer |
| J. A. Whittington | Signalman Maintainer |
| J. A. Tennis | Signalman Maintainer |
| E. F. Baker | Signalman Maintainer |
| F. L. Carver | Signalman Maintainer |
| D. F. Marks | Signalman Maintainer |
| J. U. Goucher | Signalman Maintainer |
| R. T. Frye | Signalman Maintainer |
| R. C. Cravens | Signalman Maintainer |
| J. L. Edwards | Signalman Maintainer |
| W. W. Chancelor | Signalman Maintainer |
| W. L. Hayes | Asst. Signalman Maintainer |
| J. Jr. Richards | Asst. Signalman Maintainer |
| W. L. Knight | Asst. Signalman Maintainer |

(Carrier's File: SG-1.68.220; SG-1.64.221)

OPINION OF BOARD: Effective September 16, 1968, Rule 600 was made effective, which increased the rates of Signal Test Men and Signal Maintainers and created the new position of Assistant Gang Foreman. This rule is as follows:

"Rule 600: Rates of Pay [9-16-68 Agreement]

The following are agreed minimum rates of pay as of September 16, 1968.

| | Per Hour | Per Month |
|---------------------------|------------------------|-----------|
| 1. Comm. Foreman | | \$726.47 |
| 2. Comm. Tech. | | 695.00 |
| 3. Comm. Maintainer | | 670.00 |
| 4. Sig. Gang Foreman | | 705.90 |
| 5. Sig. Test Foreman | | 705.90 |
| 6. Asst. Gang Foreman | \$3.58 | |
| 7. Signal Testman | 3.51 | |
| 8. Travl. Sig. Maintainer | 3.45 | |
| 9. Sig.-Maintainer | 3.45 | |
| 10. Relief Employe | 3.45 | |
| | (or position relieved) | |
| 11. Assistants: | | |
| 1st. Period | 2.85 | |
| 2nd. " | 2.87 | |
| 3rd. " | 2.90 | |
| 4th " | 2.92 | |
| 5th " | 2.95 | |
| 6th " | 2.98 | |
| 7th " | 3.00 | |
| 8th " | 3.03 | |

NOTE: Future wage adjustments resulting in fractions of cents will be rounded off to the nearest cent."

The Organization contends that the rates of pay set out in the above Rule 600 should have been increased in accordance with Article I, Section 1, of the National Agreement of April 21, 1969, and that Claimant should be paid accordingly for the period in question. Carrier contends that by applying the first step increases of the National Agreement to the rates of pay in effect on June 30, 1968, the rates effective July 1st, 1968, exceeded those prescribed by Rule 600, and for that reason, Carrier made compliance with the Agreements. The record discloses that Carrier paid the rates contended for by the Organization since January 1st, 1969, thereby acknowledging the intent of these parties to take into account the pay adjustments made effective by Rule 600 when computing pay rates under the National Agreement of April 21, 1969, insofar as the rates beginning January 1, 1969, are concerned.

The record further discloses that the Organization, by their submission in their rebuttal statement, has limited the payments claimed to Signal Test Men, Signal-Maintainers and their Relief Employees; therefore, this claim will be sustained insofar as Signal Test Men, Signal Maintainers and their Relief Employees are concerned. The claim will be denied as to other type employees named in the other claim.

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 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 the Agreement was violated in accordance with the Opinion.

A W A R D

Claim sustained as per opinion for Signal Test Men, Signal-Maintainers and the Relief Employees.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killian
Executive Secretary

Dated at Chicago, Illinois, this 14th day of July 1972.