

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21608

Docket Number CL-20939

Lloyd H. ~~Bailer~~, Referee

(Brotherhood of Railway, Airline & Steamship
(Clerks, Freight Handlers, Express and
(Station ~~Employees~~

PARTIES TO DISPUTE: (

(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the ~~System Committee~~ of the Brotherhood
(GL-7702) that:

1. Carrier violated the ~~Agreement~~ between the parties when they ~~employed~~ Mr. M. E. Finney and paid ~~him~~ only one dollar and sixty cents (\$1.60) per hour Monday, October 1, 1973, through Friday, October 5, 1973.

2. Carrier shall. pay Mr. Finney the difference between \$1.60 per hour and the Extra Board rate of \$5.0445 per hour.

3. Mr. Finney shall be given a seniority date of September 10, 1973, (the first day of his assigned service as student Operator).

OPINION OF BOARD: Since the controlling ~~Agreement~~ does not provide special rates for trainees, if the Carrier pays anything at all, it ~~is~~ obligated to pay the established rate. There is no ~~Agreement~~ authority for the \$1.60 per hour paid Claimant Finney. Parts 1 and 2 of the claim have merit. Part 3 of the claim was ~~not~~ processed on the ~~property~~ and therefore ~~must~~ be ~~dismissed~~.

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

That the parties waived oral bearing;

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;

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That this Division of the **Adjustment Board** has jurisdiction over the dispute involved herein; and

That the **Agreement** was violated.

A W A R D

Parts 1 and 2 of the **claim** sustained; Part 3 of the **claim** dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Pauler*
Executive Secretary

Dated at Chicago, **Illinois**, this 29th day of **July** 1977.

