

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DMSIOR

Award **Number** 21632
Docket **Number** CL-21550

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(**Steamship** Clerks, Freight Handlers,
(**Express** and Station **Employees**
(
(**Philadelphia, Bethlehem** and New England
(**Railroad Company**

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-8077) that:

(a) The Carrier violated the terms of an **Agreement** between the parties hereto, when it refused to **compensate** the **employees named** below \$150.00 as a tax pickup of the **employees'** portion of Railroad Retirement **Tax** in excess of the Social Security tax rates during the period of October 1, **1973** to February **28,1974**.

(b) The Carrier shall be required to compensate each of the following **named employees** \$150.00 as a Railroad Retirement Tax pickup for the period of October 1, **1973** to February **28,1974**.

Dennis, H. T.
Ott, F. S.
Schmell, A. G.
Gritz, J. E.
Zurn, J. J.
Sames, R. A.
Bennett, Ii. A.
Clay, **G. L.**
Ripple, G. A.
Kennedy R. F.
Joshi, D. T.
Takacs, G. M.
Richardson, R. H.
Grube, W. U.
Barnett, W. Q.
Henry, D. A.
Reiss, **K. H.**
Voortman, C. J.

Hause, J. F.
Houser, F. W.
Vario, D. T.
Knappenberger, K. E.
Siegfried, J. F.
Walck, C. P.
Rengel, **J. E.**
Wida, P. G.
Reichard, G. E.
Mertz, J. A.
Fisher, J. G.
Matz, C. W.
Beier, R. I.
Thatcher, R. W.
Sawaska, J. P.
Ryan, T. P.
Searfoss, D. J.
Todaro, J. A.

Reed, E. H.
Pagel, P. D.
Repyneck, L. J.
Reiss, L. G.
Prebosnyak, R. W.
Peters, R. W.
McFadden, G. J.
Ritchie, R. W.
Carrigan, T. J.
Blue, J. S., III
Libricz, G. J.
Achey, R. R.
Debus, C. G.
Krokus, B. J.
Kutch, M.
Cuskey, J. V.
Patterson, D. C.
Lauderslager, R.

OPINION OF BOARD: Our review of the record in this dispute discloses two (2) separate and distinct assertions:

- (1) The payment of a \$150.00 "bonus" to each of Carrier's **employees**.
- (2) The application of the provisions of **Public Law 93-69** as they **relate** to Railroad **Retirement Tax computations**.

By a **handwritten** note included on a June **4, 1974** memorandum between the parties, it was provided that, **in** the event Carrier made the Railroad **Retirement** Tax Computation adjustment effective earlier than March 1, **1974** for **employees** represented by any other organization; a similar application would be afforded the **employees** herein.

Petitioner now claims that the Carrier subsequently entered into **agreements** with other organizations (initially and particularly the United Transportation Union) which contain more liberal provisions than those afforded **clerical** forces, regarding both the "**tax pick up**" and the \$150.00 bonus payments.

However, we are not able to find facts in this record to support such a contention. Public Law **93-69** (as it related to Railroad Retirement Tax **computations**) became effective for all groups on this Carrier on **March 1, 1974**. The agreements **entered into** with all of the various organizations involved - including petitioner - provided **solely** that each **employee**, in each class or group, would receive a single direct bonus payment of \$150.00. That was done, and the Carrier's contractual obligation to its clerical **employees** was, accordingly, satisfied. The claim, as presented, is without merit.

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**;

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

That the **Agreement** was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:



Executive Secretary

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