

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23513
Docket Number CL-23460

George S. Roukis, Referee

PARTIES TO DISPUTE: { **Brotherhood of Railway, Airline and Steamship Clerks,**
Freight Handlers, Express and Station Employees
(**Illinois Central Gulf Railroad**)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(CL-9133) that:

(1) **Company violated the** agreement between the parties effective **March 18, 1977**, when it bulletined **Chief Clerk Position 279, 3:00 p.m. to 11:00 p.m., Carbondale, Illinois Yard Office** with a rate of pay as **\$54.80 per day**, when it should be rated at \$59.29 per day as other similar and like positions at this location.

(2) **Company shall now** be required to compensate the regular occupant of Position **279**, and **the relief clerks**, the difference in the rate of \$59.29 per day, **and that** of \$54.80 per day, or \$4.49 per day, beginning **March 18, 1977**, and continuing until the **rate** of the position is **adjusted** to reflect the correct rate of pay.

OPINION OF BOARD: Upon advertising a **Chief Clerk position assigned 3:00 P.M. to 11:00 P.M. at Carbondale, Illinois**, the "**duties assigned**" read the **same** as did other, higher rated, **Chief Clerk** positions whereupon **Employee** filed claim.

Employee failed to cite a rule prohibiting **advertisement** of a position at what was, for all the record shows, it's **historical** rate of pay.

If there be a disparity **in** rates as between similar positions such a factual situation could **indicate a need for negotiation**; however, the record before us presents no **basis for finding** that the agreement was **violated**. **We, therefore, will deny the 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 **Employee** involved in this dispute are respectively **Carrier and Employee 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:

A. W. Paulson

Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

