

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31964
Docket No. CL-32497
97-3-95-3-401**

The Third Division consisted of the regular members and in addition Referee James E. Yost when award was rendered.

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Terminal Railroad Association of St. Louis**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11163) that:

- 1. Carrier violated the Agreement between the parties, expressly Rule 50 and any associated rules of the TCU Agreement when on May 11, 1994 it transferred the duties of the First Shift Crew Clerk position (CB70) Madison, Illinois rated \$118.88 per day to the new Third Shift position (CB77) rated \$115.04 per day without the rate of pay being transferred; with claim commencing on Wednesday, May 11, 1994 and continuing until settled for \$3.84 per day, the difference in rate of pay of the involved positions.**
- 2. Carrier shall now be required to compensate each extra employee who performed or will perform service on new Crew Clerk position CB77, third shift 11:00PM to 7:00AM for \$3.84 per day, commencing May 11, 1994 and continuing until settled."**

FINDINGS:

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

The carrier or carriers and the employee or employees 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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This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Board as a whole finds that the facts and arguments presented in this dispute are not distinguishable from those presented in Third Division Award 31962. For the reasons set forth in that Award, this claim will be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 19th day of March 1997.