

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31983
Docket No. CL-32448
97-3-95-3-360**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Chicago, Central & Pacific Railroad Company**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11157) that:

- 1. Carrier violated the Clerks Agreement beginning June 9, 1994, when it failed to properly apply the correct rate of pay to a newly created position.**
- 2. Carrier shall now compensate the occupants of the Customer Service Representative/Crew Caller Positions at Waterloo, Iowa the difference between the Class II Position and that of the Class III Position, beginning June 9, 1994, and continuing each work day thereafter."**

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.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

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

On May 27, 1994, the Carrier bulletined a new position of Customer Service Representative/Crew Caller at the Centralized Calling Department in Waterloo, Iowa. In relevant part, the bulletin states:

“* * *

Qualifications: Must be knowledgeable of schedule agreements and Company rules as they relate to calling and be familiar with OIS data entry.

Description: Call crews, record calling activities in call book, some OIS duties, and other duties as assigned.

* * *

The Carrier bulletined this position at a Class II rate of pay. The Organization contends it should be paid at the higher Class III rate.

Rule 4 states as follows:

“RULE 4

RATES OF POSITIONS

* * *

(c) When there is a sufficient increase or decrease in the duties and responsibilities of a position or a change in the character of the service required, the compensation for such position shall be subject to adjustment to another classification as set forth in Appendix 2.

* * *

The pay classes in Appendix 2 state as follows:

"Non-Operating Employees

All employees other than Train and Engine service and Management employees shall be classified as follows:

Pay Class

* * *

II. **Semi-Skilled Labor - A** - Includes work requiring skills possessed by a secondary school graduate.

III. **Semi-Skilled Labor - B** - Includes work requiring manipulative and cognitive skills possessed by a secondary school graduate and generally exercised in an environment on or about the track structure.

* * *

As developed on the property, the Organization argues that the qualifications and description of the Class II CSR/Crew Caller positions are similar to Class III Customer Service Representative/OIS/AR positions previously bulletined by the Carrier. The Carrier asserts that there are significant differences between the two positions. Specifically, according to the Carrier, the Class III CSR/OIS/AR positions handle track warrants and interact with Dispatchers in regard to train movements and perform extensive OIS duties in addition to crew calling. The new Class II CSR/Crew Caller positions are primarily responsible for crew calling with only peripheral OIS duties limited to support of the regular OIS positions.

The burden is on the Organization to demonstrate that the new Class II CSR/Crew Caller positions are deserving of a Class III rate. That burden has not been met. Rather, the Carrier demonstrated that the Class II CSR/Crew Caller positions have decreased duties from the Class III CSR/OIS/AR positions. The Carrier has shown that the Class II CSR/Crew Callers are primarily responsible for crew calling with only peripheral OIS duties, whereas the Class III CSR/OIS/AR positions have track warrant duties and interact with Dispatchers in regard to train movements. In our opinion, the Carrier also demonstrated that the duties described in the bulletin for the new positions reasonably fall within the Class II classification of Semi-Skilled Labor - A.

The Organization's reliance upon Third Division Awards 30551, 30552 and 30553 is not persuasive. Those Awards dealt with different jobs. Here, as developed on the property, the Organization made comparisons to the Class III CSR/OIS/AR position as being similar to the Class II CSR/Crew Callers. On the property, the Carrier sufficiently demonstrated decreased duties from the higher rated positions.

Should in the future the Class II CSR/Crew Callers duties change and they begin to perform the more extensive duties of the Class III CSR/OIS/AR positions or their duties become such that they can demonstrate that they properly fall within the Class III rating, then those employees will be free to file a claim for the higher rated pay. However, based on what this Board can properly consider as developed in the record, there is insufficient evidence for us to conclude that the CSR/Crew Callers were improperly rated.

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 6th day of May 1997.