

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33600
Docket No. CL-34567
99-3-98-3-234

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: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11992) that:

- I. (a) This claim is filed on behalf of Ms. Audrey Sovinski, Clerk L-243, Mechanical Department, East Deerfield, MA. The claim is for the difference in the rate of pay between \$15.56 per hour, which she would be receiving. Claim commences September 16, 1996 and is for each day position is worked.

(b) The Carrier violated the Agreement when it transferred Mechanical Department forces from Waterville, Maine, to East Deerfield MA, thus making the clerical position B&M identical to that of position L-265, Waterville, ME. According to the Agreement, Ms. Sovinski's pay rate should be adjusted accordingly.

(c) The Rules violated are 24.3, 24.4, 25.1, 25.2, 26.1 and 27.2.

(d) This claim is valid and must be paid.
- II. (a) Notwithstanding the provisions of Rule 38 of the new Collective Bargaining Agreement between TCU and Springfield Terminal Railway Company, the Organization is presenting this grievance under Side Letter #1 of the Agreement.

(b) Ms. Audrey Sovinski, L-243 Clerk, Mechanical, East Deerfield, MA, is being paid at the rate of \$15.66 per hour,

compared to that of the Chief Clerk Mechanical at Waterville, ME, at the rate of \$16.61 per hour.

(c) Evidence presented will show that the work performed as well as the job descriptions of the two positions are equal and therefore require Ms. Sovinski's rate to be adjusted."

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.

Claimant is the incumbent of Position L-243 Clerk, Mechanical, East Deerfield, Massachusetts. The premise of the Organization's position seeking higher rated pay for Claimant is that the Carrier transferred work from Waterville to East Deerfield. The Carrier has denied that such work was transferred.

There is no evidence in this record that there was such a transfer as alleged by the Organization. Nor is there evidence in the record to support the Organization's assertion that the position of Chief Clerk Mechanical at Waterville was the same as Claimant's position at East Deerfield entitling Claimant to higher pay. The Organization has not carried its burden. The claim must be denied for lack of proof.

AWARD

Claim denied.

Form 1
Page 3

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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 16th day of 1999.