

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Paul Samuel, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES**

THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY

DISPUTE.—"Shall the position of Mechanical Clerk at Cedar Rapids, Ia., Des Moines, Ia., and Fairbury, Nebr., be paid at the rate of \$175.00 per month effective at Cedar Rapids April 10th, 1931, at Des Moines April 16th, 1931, and at Fairbury May 1st, 1931?"

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence finds 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.

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

The parties to said dispute were given due notice of hearing thereon.

As a result of a deadlock, Paul Samuel was called in as Referee to sit with this Division.

April 10th, 1931, Master Mechanic's office, Cedar Rapids, Ia., was consolidated with the Superintendent's office, Cedar Rapids, Ia. Positions of Chief Clerk to Master Mechanic, rate \$217.00 per month, File and Statement Clerk \$134.50, Personal Record Clerk \$122.00, and Messenger \$47.55, were discontinued. Position of Stenographer, rate \$122.00, was transferred to, and position of Mechanical Clerk, rate \$157.00, was created in, Superintendent's office, Cedar Rapids, Ia.

April 16th, 1931, Master Mechanic's office, Valley Junction, Ia., was consolidated with Superintendent's office, Des Moines, Ia. Positions of Chief Clerk to Master Mechanic, rate \$207.00, and Stenographer, rate \$124.75, were discontinued. Position of Clerk, rate \$117.00, was transferred to, and position of Mechanical Clerk, rate \$159.50, was created in, Superintendent's office, Des Moines, Ia.

May 1st, 1931, Master Mechanic's office, Fairbury, Nebr., was consolidated with Superintendent's office, Fairbury, Nebr. Position of Chief Clerk to Master Mechanic, rate \$202.00, was discontinued. Position of Mechanical Clerk, rate \$157.00, was created in Superintendent's office, and position of Steno-Clerk, \$132.00, and Steno-Clerk, \$127.00, transferred to Superintendent's office.

Employees on these positions must be qualified to handle all Mechanical Department correspondence, reports, MCB rule matter, distribution of M. of E. allowance, and have complete knowledge of Mechanical Department matters.

An agreement bearing effective date of January 1, 1931, exists between the parties, and the employees base their claim on Rule 68 thereof, reading:

"New Positions.—The salaries for new positions will be in conformity with the salaries of analogous positions (of similar kind and class) in comparable localities."

It is found that when the positions of Mechanical Clerk were created and established at Cedar Rapids, Ia., April 10, 1931, at Des Moines, Ia., April 16, 1931, and at Fairbury, Nebr., May 1, 1931, there was in existence at Little Rock, Ark., the position of Mechanical Clerk, rate \$174.50 per month; that on August 29, 1932, when the position of Mechanical Clerk was created and established at Dalhart, Tex., it was rated \$174.50 per month. It is also found that Little Rock and Dalhart are in the Second District and that the positions of Transportation Clerk and Maintenance Clerk (which positions are closely related to Mechanical Clerk) in the Second District are paid more on an average than the same classified positions in the First District in which Des Moines, Cedar Rapids, and Fairbury are located. There were no Mechaui-

cal Clerks in the First District until the above mentioned positions were created and established. Inasmuch as the Clerks in the First District are, on an average, paid less than those in the Second District, we are of the opinion that it would be unfair to require the Carrier to pay Mechanical Clerks in the First District the same amount as those in the Second District. On the other hand, we are of the opinion that the respondent Carrier has not allowed nor paid a fair average to those holding the positions at the stations in controversy, since the creation of the new positions, and has not, therefore, conformed with salaries of analogous positions as provided by Rule 68. Taking an average of all the salaries paid to Mechanical Clerks, Transportation Clerks, and Maintenance Clerks in both Districts results in an average of approximately \$165.00 per month, and we are of the opinion that this sum more nearly conforms to the Rule involved in this case.

AWARD

The positions of Mechanical Clerk at Cedar Rapids, Ia., Des Moines, Ia., and Fairbury, Nebr., shall be paid at the rate of \$165.00 per month effective at Cedar Rapids, Ia., April 10, 1931, at Des Moines, April 16, 1931, and at Fairbury, Nebr., May 1, 1931.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 4th day of November 1935.