

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Frank M. Swacker, Referee

PARTIES TO DISPUTE:

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

**THE CHICAGO, ROCK ISLAND AND PACIFIC
RAILWAY COMPANY**

(Frank O. Lowden, James E. Gorman, Joseph B. Fleming, Trustees)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes on the Chicago, Rock Island and Pacific Railway for an adjustment, effective Dec. 6th, 1934, in the rates of pay on the three positions of Engine Dispatcher, at Armourdale, Kans., under the provisions of Rule 69 as follows:

Trick	Assigned Hours	Present Rate (12-6-34)	Requested Rate
1st trick,	8:00 A. M.- 4:00 P. M.,	\$142.00	\$175.00
2nd "	4:00 P. M.-12:00 Midnight,	132.00	165.00
3rd "	12:00 Midnight-8:00 A. M.,	127.00	165.00"

EMPLOYES' STATEMENT OF FACTS: "Prior to Dec. 6th, 1934, all locomotives used on passenger trains in and out of Kansas City, Mo., were handled by the Kansas City Terminal Railway Co., likewise the engine crews in passenger service were handled by the Kansas City Terminal Railway Co. Effective Dec. 6th, 1934, the Rock Island took over the handling of their own passenger locomotives and the handling of passenger engineers and firemen, this work being assigned to the Rock Island roundhouse at Armourdale, Kan. and engines dispatched from the roundhouse to the Union Passenger Station by the roundhouse clerks. Four main line hostlers and four main line hostler helpers were put on to handle the engines from the roundhouse to the Union Passenger Station and from the Union Passenger Station back to the roundhouse at Armourdale. The transfer of this work to the Rock Island roundhouse increased the force of mechanics in the roundhouse and increased the number of men on the crew board being handled from the roundhouse, there now being twenty-two passenger engines handled daily from the roundhouse to or from the Union Passenger Station.

"Following is the time-card schedule in the handling of these locomotives by the roundhouse Engine Dispatchers and the hostlers:

"Approaching the claim of the employes from another angle, while Rule 69 is referred to by the employes in support of their claim, we wish to call attention to the provisions of Rule 68 of the Clerical schedule, which reads:

'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.'

While this rule has not been cited by the employes, the principle enunciated therein is pertinent, because this is one of the basic rules of the Clerical schedule in that it establishes the yardstick on which to measure the value of a position in its relation to other positions and sets up a guide for determining what rate of pay is proper on each position. It is true Rule 68 refers to new positions, but applying the principle in that rule to the instant situation on the basis of rates paid at other comparable points where roundhouse clerical employes perform approximately the same kind and class of work, if no roundhouse clerks had been in existence at the Kansas City, Kan., roundhouse on Dec. 6, 1934, and it had been necessary to establish three new positions, either under the title of roundhouse clerk or engine dispatcher, rates higher than those paid on the three existing positions could not be justified.

"The rate of \$142.00 per month paid the first trick man at Armourdale is the highest rate paid a roundhouse clerk at any point on the Rock Island Lines. With respect to roundhouse clerks, the situation at Kansas City is comparable with that of roundhouse clerks who have the title of engine dispatcher at Herington, Kansas. The rates paid clerical engine dispatchers at Herington are \$132.00 for the first trick, \$127.00 for the second trick and \$122.00 for the third trick (As of the date this is written the rates are \$142.20, \$137.20 and \$132.20 respectively, under the Aug. 5, 1937, Mediation Agreement). The situation at both Herington and Kansas City with respect to engine dispatching is the same; crews and engines operate three ways out of Kansas City and also operate three ways out of Herington, Kans. When all clerical rates were equalized in 1923 the engine dispatcher positions at Herington were considered comparable with the engine dispatchers at Kansas City, but a higher rate was established at the latter point on the basis of higher living costs at that point.

"There is no justification, under the provisions of Rule 69, to increase the rate of any of these positions at Kansas City, because the holders of these positions are performing the same kind of work they have performed for many years and there has been a decrease in the volume of such work; and their rates are now comparable with rates paid similar positions in comparable localities. The claim of the employes should be declined."

OPINION OF THE BOARD: The record discloses that prior to Dec. 6, 1934, Engine Dispatchers or Roundhouse Clerks were not charged with the responsibility of dispatching passenger engines between the Rock Island roundhouse and the Kansas City Union Passenger Station, a distance of over three miles, most of which distance is through the Rock Island yards. Before Dec. 6, the few passenger engines that were serviced at the Rock Island roundhouse were called for and delivered by engine crews and the Roundhouse Clerks were not charged with the responsibility of directing the work of main line hostlers and hostler helpers; having them available at all times to move passenger engines between the roundhouse and the passenger station, in such manner that the engines would be at the station on time and thereby avoid delays to passenger and mail trains.

Prior to Dec. 6, 1934, the duties and responsibilities of the positions in question were similar to those of other engine house clerks at the larger important points. It was for those duties and responsibilities that the present rates of pay were established. After that date, however, twenty-two passenger engines were dispatched daily by these employes for trains departing and arriving. For passenger and mail trains departing on time, Engine Dis-

patchers make up schedules governing the movement of engines which in many instances are coupled together, in proper order, to facilitate their handling at the passenger station.

When one or more trains were reported sufficiently late to disturb the routine, different schedules have to be arranged by the Engine Dispatchers upon information furnished them by Chief Dispatchers and the Yardmasters at the passenger station. In all, the dispatching of these engines and directing the movement of hostlers and helpers is considerably complicated and constitutes very important work. If proper judgment is not used by these Engine Dispatchers and they do not have hostlers available at all times for the movement of engines, it may result in serious delays to passenger and mail trains.

Rule 69 provides that compensation for a position should be adjusted, viz., (a) where there is an increase in the duties and responsibilities, or (b) where there is a change in the character of the service required. We believe that both of these conditions obtained in this case. By assigning the dispatching of passenger engines to these employes, it has increased the duties and responsibilities of their positions; by these added duties there has also been a change in the character of service required on these positions.

The Board finds that the change in the handling of passenger engines caused sufficient increases in the duties and responsibilities, also change in the character of the service required of engine house clerks at Kansas City, to warrant some increases in rates of pay.

In fact the carrier, impliedly at least, concedes that some adjustment is warranted and the principal difference is over the amount that should be granted. As to this the record affords but scant help.

On the whole, however, the Board concludes and finds that there should be an upward adjustment of the compensation of these employes of \$15 per month each, granted by the carrier effective with the date of the change, Dec. 6, 1934.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That under the provisions of Rule 69, increases in rates of pay requested for Engine Dispatchers should have been granted to the extent of \$15 per month, each, effective Dec. 6, 1934.

AWARD

Claim sustained to the extent indicated by opinion and findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 29th day of April, 1938.

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**INTERPRETATION No. 1 TO AWARD No. 628,
DOCKET No. CL-639**

NAME OF ORGANIZATION: Brotherhood of Railway and Steamship
Clerks, Freight Handlers, Express and Station Employees

NAME OF CARRIER: The Chicago, Rock Island and Pacific Railway
Company

(Frank O. Lowden, James E. Gorman, Joseph B. Fleming, Trustees)

Upon application of the representative of the carrier involved in the above award, that this Division interpret the same in the light of the dispute between the parties as to its meaning, as provided for in Sec. 3, First (m) of the Railway Labor Act, approved June 21, 1934, the following interpretation is made:

Your petition requesting that portion of Award 628, Docket CL-639, which granted an increase in pay be set aside, has been considered by the Division and you are advised that your request is respectfully denied for the reasons set forth in Interpretation No. 1 to Award No. 613, Docket CL-609.

Referee Frank M. Swacker, who sat with the Division, as a member, when Award No. 628 was adopted, also participated with the Division in making this interpretation.

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

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 9th day of June, 1938.