

Award No. 2780

Docket No. CL-2700

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Richard F. Mitchell, Referee

PARTIES TO DISPUTE:

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

**GULF COAST LINES, INTERNATIONAL-GREAT NORTHERN
RAILROAD COMPANY, SAN ANTONIO, UVALDE & GULF
RAILROAD COMPANY, SUGARLAND RAILWAY COMPANY,
ASHERTON & GULF RAILWAY COMPANY**

(Guy A. Thompson, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The correct rate of pay for the position of Clerk Payrolls and Statistics, as advertised in Bulletin 31-43 of April 30, 1943, is \$10.80 per day retroactive to date the position was created. Also

(b) Claim that all employees involved in or affected by the Carrier's failure and refusal to apply the correct rate of pay be compensated for all losses sustained.

(All rates of pay referred to herein are subject to the recent National wage increase.)

EMPLOYEES' STATEMENT OF FACTS: The position here in dispute was created in April 1943. Bulletin advertising the position is quoted below and a copy is shown as Exhibit A:

"BULLETIN

Place—Houston, Texas

Date—April 30, 1943

Bulletin No. 31-43

TO EMPLOYEES CONCERNED:

The following position is hereby advertised for applications or bids in accordance with Rule 9 of Clerks' Agreement. Applications or bids shall be submitted to the undersigned (and a copy sent to the Local Chairman) where they will be received up to 12:00 Noon, May 5th, 1943:

| | |
|-------------------|-----------------------------|
| Location | Houston, Texas |
| Title of Position | Clerk Payrolls & Statistics |
| Rate of Pay | \$7.66 per day |

(8) The establishment of the new position with rate of \$9.00 per day and placing thereon the disputed work assigned to the position of Clerk Payrolls and Statistics eliminated any basis for the contention that this position, is performing work transferred to it from a higher rated position. In other words, any basis for the contention and claim that the position in question is entitled to rate of \$10.80 per day has been removed.

In the light of all the facts and circumstances set forth in this submission and in Carrier's submission shown as Exhibit No. 12, it is the position of the Carrier that the contention of the Employees should be dismissed and the accompanying claim accordingly denied.

OPINION OF BOARD: The claim in this case is that the correct rate of pay for the position of Clerk Payrolls and Statistics, as advertised in Bulletin of April 30, 1943, is \$10.80, and it should be retroactive to the date the position was created.

In CL-2701, it was agreed by the representatives of the Employees and of the Carrier that the claim involved in this docket should be dismissed by the creation of a new position to be rated at \$9.00 per day.

This case is controlled by Award No. 2779 in which the facts and circumstances are set out in detail.

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 Employees involved in this dispute are respectively carrier and employees 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 there is no showing of a violation of the current Agreement as contended by the Petitioner.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 26th day of January, 1945.