

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

James M. Douglas, Referee

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway Clerks that position of Assistant Timekeeper, formerly held by Fay Strange at Superintendent's Office, Elko, shall be classified as First Assistant Timekeeper at rate of \$7.67 per day and that W. A. Thorpe and Fay Strange, adversely affected by reason of failure of the Railroad properly to classify and rate this position coincident with assignment of higher rated duties, shall be compensated for all monetary loss sustained since such assignment of higher rated duties.

EMPLOYEES' STATEMENT OF FACTS: In response to a request for an increase in rates of pay and an adjustment in the wages of certain clerical and related positions in 1926, The Western Pacific Railroad Company agreed with the Brotherhood of Railway Clerks that it would apply similar increases and make adjustments in the wages of certain positions along the lines as would be generally promulgated by the Board of Arbitration to which was submitted a request for an increase in wages by the Clerks employed by the Southern Pacific, which award was handed down April 16, 1927, and which provided that the increases granted on that road were to become effective as of January 1, 1927.

The award handed down by the Board of Arbitration provided for increases in pay ranging from three to seven cents per hour. As an alternative the Award also provided:

"Section 11. The sum of the increases granted may be distributed by joint action of the representatives of the Carrier and of the employees in such manner as will establish just and equitable rates for each position in existence on the Carrier's payrolls, both as between positions with each seniority district, and also as between seniority districts; provided the representative . . . can mutually agree to said distribution . . ."

Section 11 was adopted as the method of applying the increase on the Western Pacific. Generally speaking, the amount of four cents per hour was applied as a horizontal increase, and one cent per hour per position was put into a pool to be drawn upon for adjustment of inequalities.

The Railroad furnished statements of duties covering practically all positions then in existence. These statements of duties were checked over by representatives of the Brotherhood. Through joint action, rates of pay

On July 30, 1943, the General Chairman of the Clerks' Organization presented Carrier's Superintendent with a demand that one position of Assistant Timekeeper at \$7.25 per day be rerated and re-classified as First Assistant Timekeeper at \$7.67 per day, effective as of date upon which certain alleged higher rated work was first assigned to the position, which request was declined by Carrier.

POSITION OF CARRIER: The work of the timekeeping bureau here involved, generally speaking, is no different than on other Class I Carriers. Normally the bureau consists of a Head Timekeeper and not more than one or two assistants. There is nothing listed in the claim of the employees which cannot properly be done by an Assistant Timekeeper. It has always been the usual and customary procedure to require Assistant Timekeepers to match time slips, check time slips, write correction notices of time slips, figure and write discharge checks, check shortages, assist on payrolls, and to assist the Head Timekeeper with his correspondence and the handling of disputed claims.

In the instant dispute, Strange, in his desire to progress assisted the Head Timekeeper in many of his duties. This was in harmony with the last paragraph of Rule 30 of the then current schedule, reading: "Employees desiring promotion should make every effort to acquaint themselves with work of other positions in order that they may be qualified when opportunity for advancement occurs."

Carrier contends that there is nothing in the schedule which requires the establishment of the new classification requested and that all of the work which the incumbent of the position here involved has and is doing under the direction of the Head Timekeeper is properly classified as belonging to Assistant Timekeeper and by the payment of Assistant Timekeeper's rate full compensation has been allowed.

OPINION OF BOARD: Petitioner contends that a part of the duties which formerly constituted the substance of the position of Head T&E Timekeeper have been assigned to one of the Assistant T&E Timekeepers, thus establishing a new position which Petitioner would have designated as **First Assistant T&E Timekeeper**. Petitioner seeks to have the Board establish a new wage rate for the new position.

It is not within the jurisdiction of the Board to establish new wage rates. Under the circumstances here, that should be done by negotiation and agreement of the parties.

For want of jurisdiction this claim must be dismissed. See Awards 2682, 3373.

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 does not have jurisdiction over the subject matter of the dispute involved herein; and

That the claim should be dismissed without prejudice.

AWARD

Claim dismissed without prejudice.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Secretary
ATTEST: H. A. Johnson

Dated at Chicago, Illinois, this 20th day of March, 1947.