

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

A. Langley Coffey—Referee

PARTIES TO DISPUTE:

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

CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Board of Adjustment, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees:

(1) That Carrier violated Rules of the Agreement effective July 1, 1942, in establishing the rates of pay for the clerical force in the newly created office of the Superintendent of Terminals at Galesburg, Illinois, in November 1947.

(2) That the rates of pay of the involved employes, i.e., occupants of positions designated by payroll records as Chief Yard Clerk and Stenographer-Bill Clerk be established in conformity with the Agreement Rules, viz. \$13.62 per day for the position of Chief Yard Clerk and \$11.89 per day for the position of Stenographer-Bill Clerk effective November 1947 to which rates should be applied the provisions of subsequent National Wage Agreements.

(3) That the occupants of said positions, W. C. Peterson, Chief Yard Clerk, and H. F. Johnson, Stenographer-Bill Clerk (and their successors) be allowed the difference in their earnings for services performed as Chief Yard Clerk and Stenographer-Bill Clerk respectively representing that paid to the Chief Yard Clerk at rate of \$12.46 per day, and that that should have been paid for at the rate of \$13.62 per day; representing that paid to the Stenographer-Bill Clerk at rate of \$11.42 per day and that that should have been paid for at rate of \$11.89 per day (due allowances to be made for adjustment in the rates of pay of these positions resulting from the application of subsequent National Wage Agreements retroactive to January 21, 1950, or date formal claim was filed with Management.)
Employes' Exhibit No. 1.

EMPLOYES' STATEMENT OF FACTS: Prior to the year 1947 the Galesburg, Illinois, Terminal of the Carrier was under the direct supervision and operation of the Carrier's Division Superintendent located at Galesburg (Passenger Station). The Yard operations, consisting primarily of supervising the break up and make up of trains, was under the immediate jurisdic-

The Carrier affirmatively asserts that all of the data herein and herewith submitted has been previously submitted to the Employees.

(Exhibits not reproduced.)

OPINION OF BOARD: In November 1947, a new position of Terminal Superintendent was created and established in the office at Willis Yard to supervise and direct the work of clerical forces and all terminal operations at Galesburg, Illinois.

The Employees' contention is that establishment of a Terminal Superintendent's position at Galesburg called for creation and establishment of two new clerical positions, (1) Chief Clerk to Terminal Superintendent, and (2) Stenographer-Secretary to Terminal Superintendent, in order to take care of additional duties and added responsibility said to have been occasioned by transfer of certain work from the Division Superintendent's office to the newly created Terminal Superintendent's office.

An increase in the work-load is shown to have resulted in connection with reorganizing the work in the Willis Yard office, but we are not satisfied that there was any great change in the character of service. Except for isolated instances, the nature of the work continued the same.

A formal protest first was lodged by the Employee Representative in January 1950. The work-load was reduced by adding another general clerk position in January 1951.

The Petitioner cites no pertinent rule unless it be Rule 44, and even before that rule can be of any binding force and effect in wage matters, one must find that a new position in fact exists. Other wage inequities continue subject to bargaining by and between parties to the Agreement.

Being satisfied from our review of the record that this dispute involves more in the way of a proposal to re-evaluate positions and increase wages of existing positions than the rating of new positions for wage purposes, the claim will be denied.

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 the Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 4th day of February, 1955.