

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Dwyer W. Shugrue, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
(Western Lines)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atchison, Topeka & Santa Fe Railway System that:

1. The Carrier violated the agreement between the parties when, beginning July 1, 1949, it failed to properly classify the positions of telegrapher-towermen at "RI" Tower, Hutchinson, Kansas coincident with its requirement that incumbents thereof operate Centralized Traffic control equipment and further violated the agreement when it refused and continues to refuse to establish the proper rate of pay for these new positions; and

2. The Carrier shall be required to establish a basic rate of \$1.805 per hour for each of the three positions retroactive to July 1, 1949.

EMPLOYEES' STATEMENT OF FACTS: Agreements between the parties bearing effective dates of December 1, 1938 and June 1, 1951 are in evidence.

At Page 35 of the Agreement effective December 1, 1938, the following positions were listed:

Hutchinson	Telegrapher			.75
"RI"	Telegrapher-Towerman	(3)	(L)	.68
"MOP"	Telegrapher-Towerman	(3)	(L)	.68
Way	Telegrapher-Clerk		(3)	.75

At Page 70 of the Agreement effective June 1, 1951, the following positions are listed:

Hutchinson	Telegrapher			1.73
"RI"	Telegrapher-Towerman	(3)	(L)	1.645
Way	Telegrapher-Clerk		(3)	1.73

The above rates do not include the 4¢ per hour applied to the basic rates by the Guthrie Award nor subsequent increases and/or decreases due to changes in the cost of living index.

In conclusion, the Carrier respectfully reasserts that the claim of the employes in the instant dispute is nothing more than an attempt to obtain an increase in the fixed and agreed to rates of pay of the three telegrapher-towermen positions at Hutchinson in disregard of the express provisions of Article XXV of the governing Telegraphers' Agreement and is entirely without support under the Agreement rules and should be either dismissed or denied in its entirety.

All that is contained herein has been both known and available to the Employes or their representatives.

(Exhibits not reproduced).

OPINION OF BOARD: Prior to July 1, 1949 the Carrier maintained a tower designated as "MOP" at a point where main line tracks of the Atchison, Topeka and Santa Fe and Missouri Pacific railroads cross and where, also, the Carrier's branch line over the Panhandle Division leaves Hutchinson. This manually operated interlocking plant was operated by Telegrapher-Towerman, whose basic pay under the Agreement was not in excess of claimants. On July 1, 1949, with the approval of the Interstate Commerce Commission, there was installed at "RI" Tower, also Hutchinson, a certain electric device to control the switches and signals formerly operated by the manually operated interlocking plant at "MOP" Tower. Incumbents of the Telegrapher-Towermen positions at "RI" Tower were assigned the operation of this new equipment.

Although the factual situation is somewhat different the basic issue is identical in principle with Award 7440, contemporaneously rendered involving the same parties and concerning the same rules. On the basis of the reasoning of that award, absent of course any reference to improperly progressing claims not here in issue, the claim cannot be sustained.

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 the agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November, 1956.