

Award No. 9508

Docket No. CL-9372

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

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

(a) The Carrier violated the Agreement when, at Richmond, Virginia, it assigned a major portion of the duties of the "abolished" position of Assistant Warehouse Foreman (Group 1) to employees receiving a lower rate of pay and holding seniority in a separate seniority district or Group.

(b) Clerks J. A. Layne, T. L. Eldridge and G. T. Elliott, Jr., their substitutes or successors, shall now be compensated for the difference between what they have earned and what they would have earned had the position of Assistant Warehouse Foreman, rate \$16.26 per day, not been abolished effective January 30, 1956.

(c) M. E. Scott and Jacob Coleman, Fork Lift Operators (Freight Handlers), their substitutes or successors, shall be compensated the difference between what they have received and the Assistant Warehouse Foreman's rate of \$16.26 per day, claim to be dated from January 31, 1956, and to continue until the violation shall have been corrected.

EMPLOYEES' STATEMENT OF FACTS: Effective with termination of assignment on January 30, 1956, the position of Assistant Warehouse Foreman, Richmond, Virginia, was discontinued or "abolished". The assigned hours of the discontinued position were from 7:45 A. M. to 4:45 P. M. Rest or unassigned days were Saturday and Sunday. (Employees' Exhibit "A")

Claimant, Mr. J. A. Layne, upon the abolishment of his position, exercised seniority to the position of Car Service Clerk, vice Claimant, Mr. T. L. Eldridge, who in turn displaced upon the position occupied by Mr. G. T. Elliott, Jr., who thereupon was cut off or furloughed.

As of the date of the abolishment of Claimant Layne's position of Assistant Warehouse Foreman there were two positions assigned to work in the freight warehouse classified as Group 1 of Rule 2, Warehouse Foreman, rate (presently) \$17.44 per day, and Claimant Layne's position of Assistant Warehouse Foreman. The duties of the Warehouse Foreman were to direct and

OPINION OF BOARD: There is nothing in the Record showing that any of the higher rated duties of the abolished position of Assistant Warehouse Foreman were assigned to Claimants' positions. It appears that the instant dispute is nothing more than a request by Claimants for an increase in established rates of pay. That this conclusion is correct is evidenced by the fact that under date of May 16, 1956, the Organization's General Chairman served a Section 6 notice under the Railway Labor Act, as amended, for an increase in rates of pay of Clerks and Group 5 employees who were performing work in connection with the newly installed centralized system of checking freight by the use of an intercommunication system. This Board has no jurisdiction over requests for increases in rate of pay in the absence of a clear showing that some rule of the agreement has been violated in the establishment or maintenance of an existing rate of pay.

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 claim should be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of July, 1960.