

Award No. 9761

Docket No. CL-9430

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Raymond E. LaDriere, Referee

PARTIES TO DISPUTE:

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

MIDLAND VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway Clerks that the Carrier violated the December 21, 1955 Wage Increase Agreement when,

a. It failed and refused to increase the rates of pay of all employes covered by Rule 1 (c) 3 of the Clerks' Agreement in accordance with Article I thereof, and,

b. That the Carrier shall be required to furnish the Brotherhood Committee the Rates of pay of each employe covered by Rule 1 (c) 3 of the Clerks' Agreement, and the number of hours comprehended in a month on each such position, and,

c. That the Carrier shall compensate the employes affected for wage loss sustained by reason of its failure to properly apply the December 21, 1955 Wage Increase Agreement, and for any subsequent changes made unilaterally by the Carrier adversely affecting the wages of those employes as established by the December 21, 1955 Wage Increase Agreement.

EMPLOYEES' STATEMENT OF FACTS: On August 1, 1955, formal notice was served on the Carrier in accordance with the procedures of the Railway Labor Act on behalf of all employes represented by our Organization, of our desire to increase all existing rates of pay by the addition thereto of twenty-five (25) cents per hour, effective September 1, 1955. Employees' Exhibit 1.

Conference on the Employees' request was held with Carrier representatives on August 29, 1955, and Carrier confirmed this conference under date of August 30, 1955. Employees' Exhibit 2.

On September 8, 1955 the Carrier advised that it had authorized the Western Carriers' Conference Committee to represent them in further handling of this matter. Employees' Exhibit 3.

Upon receipt of advice from the Employees' National Conference Committee that the Carriers in the Western region had limited the Western

it is informed of the contention of the petitioner, and requests an opportunity to answer in writing any allegation not answered by this submission.

All data submitted herewith in support of the carrier's position has been presented to the employees or their duly authorized representative and is hereby made a part of the matter in dispute.

OPINION OF BOARD: The issue here is the same as that determined by our Award 6034, i.e. application of wage increases agreed upon on a national basis, as result of negotiations to which the parties here were parties, to clerical employees covered by the Clerks' Schedule Agreement but specifically excepted from certain of its rules.

On the basis of Award 6034, and Awards cited therein, involving a like claim under like circumstances, the claim in this case is 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 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 Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 16th day of December 1960.