



Award No. 15051
Docket No. TE-13296

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Hamilton, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

CLAIM NO. 1

1. Carrier violated the Agreement between the parties when it acted arbitrarily and without agreement reclassified the position and reduced the rate of pay of the agent at Sedan, Kansas.

2. Carrier shall restore the agreed to classification and negotiated rate of pay to this position beginning with March 20, 1961, and shall retain the agreed to classification and negotiated rate unless changed by agreement.

CLAIM NO. 2

1. Carrier violated the Agreement between the parties when it acted arbitrarily and without agreement reclassified the position and reduced the rate of pay of the agent at Cedarvale, Kansas.

2. Carrier shall restore the agreed to classification and negotiated rate of pay to this position beginning with March 20, 1961, and shall retain the agreed to classification and negotiated rate unless changed by agreement.

EMPLOYEES' STATEMENT OF FACTS: There is in effect between the parties an Agreement dated September 1, 1949 with wage rates effective February 1, 1951. Listed at page 60 under the Southern Kansas District are the following negotiated positions:

Location	Position	Rate of Pay
Sedan	Agent-Telegrapher	1st Shift \$1.995
Cedarvale	Agent-Telegrapher	1st Shift 1.72

With agreed to increases the position at Sedan was rated at \$2.77 per hour on March 19, 1961. The position at Cedarvale was rated with agreed to increases at \$2.495 per hour on March 19, 1961.

OPINION OF BOARD: The parties to this dispute litigated a similar claim before this Board which resulted in denial Award 13895. We are persuaded that the cited award is proper and in point and should be followed in this case.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 not violated.

AWARD

Claim denied.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1966.