

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21608  
Docket Number CL-20939

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline & Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees  
(  
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7702) that:

1. Carrier violated the Agreement between the parties when they employed Mr. M. E. Finney and paid him only one dollar and sixty cents (\$1.60) per hour Monday, October 1, 1973, through Friday, October 5, 1973.

2. Carrier shall pay Mr. Finney the difference between \$1.60 per hour and the Extra Board rate of \$5.0445 per hour.

3. Mr. Finney shall be given a seniority date of September 10, 1973, (the first day of his assigned service as student Operator).

OPINION OF BOARD: Since the controlling Agreement does not provide special rates for trainees, if the Carrier pays anything at all, it is obligated to pay the established rate. There is no Agreement authority for the \$1.60 per hour paid Claimant Finney. Parts 1 and 2 of the claim have merit. Part 3 of the claim was not processed on the property and therefore must be dismissed.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Parts 1 and 2 of the claim sustained; Part 3 of the claim dismissed.

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By Order of Third Division

ATTEST: *A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.

