

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21632

Docket Number CL-21550

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and
{ Steamship Clerks, Freight Handlers,
{ Express and Station Employees
{
{ Philadelphia, Bethlehem and New England
{ Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8077) that:

(a) The Carrier violated the terms of an Agreement between the parties hereto, when it refused to compensate the employees named below \$150.00 as a tax pickup of the employees' portion of Railroad Retirement Tax in excess of the Social Security tax rates during the period of October 1, 1973 to February 28, 1974.

(b) The Carrier shall be required to compensate each of the following named employees \$150.00 as a Railroad Retirement Tax Pickup for the period of October 1, 1973 to February 28, 1974.

Dennis, H. T.	Hause, J. F.	Reed, E. H.
Ott, F. S.	Houser, F. W.	Pagel, P. D.
Schmell, A. G.	Vario, D. T.	Repyneck, L. J.
Gritz, J. E.	Knappenberger, K. E.	Reiss, L. G.
Zurn, J. J.	Siegfried, J. F.	Prebosnyak, R. W.
Sames, R. A.	Walck, C. P.	Peters, R. W.
Bennett, H. A.	Rengel, J. E.	McFadden, G. J.
Clay, G. L.	Wida, P. G.	Ritchie, R. W.
Ripple, G. A.	Reichard, G. E.	Carrigan, T. J.
Kennedy R. F.	Mertz, J. A.	Blum, J. S., III
Joshi, D. T.	Fisher, J. G.	Libricz, G. J.
Takacs, G. M.	Matz, C. W.	Achey, R. R.
Richardson, R. H.	Beier, R. I.	Debus, C. G.
Grube, W. U.	Thatcher, R. W.	Krokus, B. J.
Barnett, W. Q.	Sawaska, J. P.	Kutch, M.
Henry, D. A.	Ryan, T. P.	Cuskey, J. V.
Reiss, K. H.	Searfoss, D. J.	Patterson, D. C.
Voortman, C. J.	Todaro, J. A.	Lauderslager, R.

OPINION OF BOARD: Our review of the record in this dispute discloses two (2) separate and distinct assertions:

- (1) The payment of a \$150.00 "bonus" to each of Carrier's employees.
- (2) The application of the provisions of Public Law 93-69 as they relate to Railroad Retirement Tax computations.

By a handwritten note included on a June 4, 1974 memorandum between the parties, it was provided that, in the event Carrier made the Railroad Retirement Tax Computation adjustment effective earlier than March 1, 1974 for employees represented by any other organization; a similar application would be afforded the employees herein.

Petitioner now claims that the Carrier subsequently entered into agreements with other organizations (initially and particularly the United Transportation Union) which contain more liberal provisions than those afforded clerical forces, regarding both the "tax pick up" and the \$150.00 bonus payments.

However, we are not able to find facts in this record to support such a contention. Public Law 93-69 (as it related to Railroad Retirement Tax computations) became effective for all groups on this Carrier on March 1, 1974. The agreements entered into with all of the various organizations involved - including petitioner - provided solely that each employee, in each class or group, would receive a single direct bonus payment of \$150.00. That was done, and the Carrier's contractual obligation to its clerical employees was, accordingly, satisfied. The claim, as presented, is without merit.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

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