

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23160
Docket Number CL-23116

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood (GL-8874)
that:

- 1) Carrier violated, and continues to violate, the Clerks' Rules Agreement when it failed to maintain and apply the proper rate of pay commensurate with the duties required on Position No. 33800, Chief Yard Clerk at Cedar Rapids, Iowa.
- 2) The rate of pay of Position No. 33800 shall be adjusted to conform with agreed-upon rates of pay of Chief Yard Clerk positions in Seniority District No. 30.
- 3) Carrier shall compensate employee E. L. McMickle for the period he occupies the position of Chief Yard Clerk and any/or all employees who occupy that position subsequent to Employee McMickle, the difference between the amount they would have received if the proper rate had been applied to the position beginning on September 1, 1977.

OPINION OF BOARD: On or about September 1, 1977, certain duties and responsibilities which had previously been performed by Assistant Agent Position 16905 were assigned to the incumbent of Position 33800 (Chief Yard Clerk). Contemporaneously, certain of the duties of that position were reassigned to the position of Yard Clerk (33840).

The Employees cite certain rules of the agreement and urge that the Carrier's actions require an adjustment in the rate of pay for Position 33800 so as to conform with the rates of pay which are presently in effect on various Chief Yard Clerk positions within the seniority district.

The Carrier opposes the claim for a number of reasons, not the least of which being the fact that adjustment in rates are matters properly the subject of negotiations - not arbitration before this Board.

We have considered the record, and the rules cited by the Employees. We are unable to find evidence to substantiate a finding that any of the rules were violated by the Carrier and, accordingly, we have no alternative but to deny this claim for failure to prove a violation.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: _____

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1981.

