

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

George S. Roukis, Referee

Award Number 23513
Docket Number CL-23460

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9133) that:

(1) Company violated the agreement between the parties effective March 18, 1977, when it bulletined Chief Clerk Position 279, 3:00 p.m. to 11:00 p.m., Carbondale, Illinois Yard Office with a rate of pay as \$54.80 per day, when it should be rated at \$59.29 per day as other similar and like positions at this location.

(2) Company shall now be required to compensate the regular occupant of Position 279, and the relief clerks, the difference in the rate of \$59.29 per day, and that of \$54.80 per day, or \$4.49 per day, beginning March 18, 1977, and continuing until the rate of the position is adjusted to reflect the correct rate of pay.

OPINION OF BOARD: Upon advertising a Chief Clerk position assigned 3:00 P.M. to 11:00 P.M. at Carbondale, Illinois, the "duties assigned" read the same as did other, higher rated, Chief Clerk positions whereupon Employees filed claim.

Employees failed to cite a rule prohibiting advertisement of a position at what was, for all the record shows, it's historical rate of pay.

If there be a disparity in rates as between similar positions such a factual situation could indicate a need for negotiation; however, the record before us presents no basis for finding that the agreement was violated. We, therefore, will deny the claim.

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 29th day of January 1982.

