

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33596
Docket No. CL-33235
99-3-96-3-705

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Illinois Central Railroad

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11440) that:

- (1) Carrier violated the Agreement between the Parties when on August 8, 1995, and subsequent dates, it reduced the Employee Maintenance Rate (EMR) of Ms. E. S. Hedleston by the difference between a Wage Grade Level 9 and a Wage Grade Level 8, or \$6.18 per day.
- (2) Carrier shall now be required to restore Ms. Hedleston's EMR to her rate prior to August 8, 1995, adjusted for wage increases, and compensate her \$6.18 per day, and \$9.27 per day for an overtime day, effective August 8, 1995, and continuing for each date worked thereafter, until her EMR is restored.”

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant, an employee since February 1972, became a protected employee in August 1972 as a result of a merger. In 1989, Claimant was transferred from Memphis to Homewood, Illinois, as an Administrative Clerk (wage grade level 9) and earned more than her applicable guaranteed rate.

In accord with a bid, on July 26, 1995, Claimant was awarded the position of Assistant TOFC Dispatcher at Memphis (wage grade level 8) effective August 8, 1995. Upon Claimant's assuming that position, the Carrier offset Claimant's applicable guaranteed rate by \$6.18 per day — the difference between wage grade levels 9 and 8. This claim followed.

Claimant voluntarily bid on the lower-rated Memphis position based upon her preference in job and location. This was not a displacement. There is no provision in the relevant Rules that permits Claimant to voluntarily bid to a lower-rated position in this fashion and not be subject to the reduction.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 16th day of November 1999.