

C
O
P
Y

SPECIAL BOARD OF ADJUSTMENT NO. 173 ...

Award No. 16
Case No. 10

PARTIES TO DISPUTE: Brotherhood of Railway and Steamship Clerks,
Freight Handlers, Express and Station Employees

Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood of Railway Clerks that:

(1) Carrier violated rules of Agreement dated May 1, 1955, by establishing a rate of \$315.39 per month for position of Stenographer-Clerk in the Chief Dispatcher's Office at Denver, Colorado, per Bulletin No. 50 issued by Superintendent Colombo of Cheyenne, Wyoming, on May 20, 1955.

(2) Carrier establish proper rate of pay for this position; namely, \$325.66 per month, retroactive to May 20, 1955."

FINDINGS: The 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.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

Carrier may not, in defending against this claim, successfully attempt to impeach its own previous declaration in Bulletin No. 50 of May 20, 1955, that the position of Stenographer-Clerk in the Chief Dispatcher's Office at Denver, was a new position. It was labeled as a new job, and that characterization must be accorded its literal meaning.

Rule 24(b) requires the rate of pay of a new position to be conformed to the prevailing wage scale of comparable positions in the same seniority district. In applying this standard, it is manifest that \$325.66 (the rate of pay in effect on May 20, 1955) is the appropriate monthly stipend to be established for the job here involved.

AWARD: Claim sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 173

/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska
March 24, 1958