

AWARD NO. 25  
Case No. 47

SPECIAL BOARD OF ADJUSTMENT NO. 259

THE ORDER OF RAILROAD TELEGRAPHERS                    )  
  vs                    )  
NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT        )  
(except Boston and Albany Division) and NEW        )  
YORK DISTRICT    )

STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central Railroad, Eastern District, that:

1. Express commissions were discontinued at Roseton, New York on May 15, 1958, and the rate of the agent's position should be adjusted as provided for in Article 18, of the Telegraphers' Agreement.
2. The rate of pay of the position of agent at Roseton shall be increased to that paid the agent at Orangeburg, New York, effective May 15, 1958.

OPINION OF BOARD:

Roseton, New York is a one-man station on the Carrier's River Division, being located approximately 60 miles west of Weehawken, New Jersey. The Agent handled freight, tickets and baggage for the Carrier. In addition he handled express business for the Railway Express Agency, for which he was paid on a commission basis.

On May 15, 1958 Railway Express discontinued the handling of express at this location. The Organization then requested that the rate of this position be adjusted in conformance with Article 18 of the Agreement. The Carrier responded that no increase was justified. The claim now before the Board is that rate of pay for the position should be increased to that paid for the Agent position at Orangeburg, New York (also on the River Division and in the same seniority district as Roseton), retroactive to May 15, 1958.

Article 18(a) of the Agreement provides that "when express commissions are discontinued or created at any office, thereby materially reducing or increasing the average monthly compensation paid on any position, the parties hereto by agreement will promptly adjust the salary affected so as to conform it to salaries paid for similar positions."

In this as in other cases of like nature submitted to this Board, the parties have selected those rates paid to Agents at other locations which support their particular contentions.

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For the calendar year 1957 the express commissions received by the Roseton Agent averaged only \$5.15 per month. The general trend of business at this location would indicate that the volume of express commissions had been declining over a substantial period of time, however. We are, therefore, of the opinion that Article 18(a) became operative when express handling was discontinued at this location.

The heterogeneous rate structure existing under the Agreement makes it extremely difficult to make the comparison with "salaries paid for similar positions" as called for under this provision. Having examined all of the evidence that is available to us in this connection, we conclude that an increase in the amount of \$.03 per hour should be applied to the basic rate of the Roseton Agent position as of the date that the handling of express was discontinued at this location. The Carrier should grant retroactive compensation to the incumbent of the position in question in the amount specified above.

AWARD:

Claim sustained in accordance with the above Opinion.

/s/ Lloyd H. Bailer  
Lloyd H. Bailer, Chairman

/s/ R. J. Woodman  
R. J. Woodman, Employee Member

/s/ Chas. N. Faris  
Charles N. Faris, Carrier Member

New York, New York  
February 12, 1959

