

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees )  
and )  
St. Louis Southwestern Railway Company )

Case No. 64  
Award No. 64

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to apply, as of October 1, 1959, an increase of \$3.88 to the position of Assistant Foreman at Pine Bluff Yards, in the same manner as was the \$3.88 increase in monthly rate applied to all other Section Foremen and Extra Gang Foremen positions.
2. The Carrier shall promptly readjust the rate of pay now being applied to the position of Assistant Foreman at Pine Bluff Yard, identified as being the position held in 1959 by Mr. O. L. Leirer.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

From the evidence of record, the Carrier abolished its positions of Section Foreman on September 30, 1959. Mediation was invoked after the organization protested the abolishment of these jobs. An agreement was reached through mediation as of October 13, 1959 that the abolished Section Foreman position title was changed to that of Extra Gang Foreman and as of this date, it was agreed to take the rate of pay of all the abolished foremen positions, divide that number by the number of positions abolished and arrive at a rate of pay for the Extra Gang Foreman. This formula resulted in an increase in the rate of pay for the Extra Gang Foremen who were fewer in number and resulted in an additional \$3.88 per month.

The Assistant Section Foremen's position at Pine Bluff was not abolished on September 30, 1959. Therefore, his rate of pay, which had been that of the Section Foreman, was not taken into consideration in arriving at the \$3.88 increase in the pay for the now designated Extra Gang Foreman. Therefore, this position is not entitled to the increase of \$3.88.

AWARD: Claim denied.

/s/ Thomas C. Begley  
Thomas C. Begley, Chairman

/s/ A. J. Cunningham  
A. J. Cunningham, Employee Member

Dated at Tyler, Texas  
April 25, 1966

/s/ M. L. Erwin  
M. L. Erwin, Carrier Member