

AWARD NO. 57  
DOCKET NO. 57  
(Case 2861)

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS  
vs.  
MISSOURI PACIFIC RAILROAD COMPANY  
(Southern & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when on April 15, 1958, it re-established two telegrapher-clerk positions at Ottawa, Kansas without re-establishing the rate provided in the Agreement for these positions.
2. Carrier violated the Agreement when on April 15, 1958, it unilaterally fixed the rates of pay on the two telegrapher-clerk positions at Ottawa, Kansas.
3. Carrier shall correct the rate of these two positions to conform to the rules of the Agreement by making the rates \$2.236 per hour as of April 15, 1958, and adding the proper adjustments following that date, and pay to the incumbents of the two positions the amounts due from that date until such time as the proper rate is reestablished."

OPINION OF BOARD:

On April 15, 1958, the Carrier established two telegrapher-clerk positions at Ottawa, Kansas, with an hourly rate of \$2.20, which the Carrier contends was in conformity with positions of the same class as provided in Rule 2(b).

The Organization contends that these positions were re-established positions as shown in Rule 21 of the Agreement, effective January 1, 1930, and that the rate should have been fixed at \$2.236 per hour, based upon the rate specified in the 1930 Agreement, plus general wage increases applied since that date.

The facts show that the positions listed in the 1930 Agreement were later abolished and have not been in existence for a period of 28 years.

We do not believe Rule 2(a) applies to a situation such as the one here, where the positions alleged to have been re-established have not been in existence for such a long period of time. Furthermore, there was no proof that the duties or conditions of the recently established positions were substantially

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from those which attached to the positions shown in the 1930 Agreement.

FINDINGS: The facts of record do not support a sustaining award.

AWARD

Claim denied.

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s/ Donald F. McMahon  
Donald F. McMahon - Chairman

s/ R. K. Anthis  
R. K. Anthis - Organization Member

s/ G. W. Johnson  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 23, 1960

File 380-1767