

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Frank M. Swacker, Referee

PARTIES TO DISPUTE:

ORDER OF RAILROAD TELEGRAPHERS

**THE CHICAGO, ROCK ISLAND AND PACIFIC
RAILWAY COMPANY**

**THE CHICAGO, ROCK ISLAND AND GULF RAILWAY
COMPANY**

(Frank O. Lowden, James E. Gorman and Joseph B. Fleming, Trustees)

STATEMENT OF CLAIM: "It is claimed by the General Committee of the Order of Railroad Telegraphers on the Chicago, Rock Island and Pacific and the Chicago, Rock Island and Gulf Railways that: The seniority districts which were rearranged on the Chicago, Rock Island and Pacific and the Chicago, Rock Island and Gulf Railways; namely, Illinois, Iowa and Cedar Rapids-Dakota, and Missouri District which was abolished and divided among three other divisions two of which are named above (Iowa and Illinois), after the change of division superintendents' jurisdiction was made July first, 1936, should not have been consummated because of the disturbing effect on the employes under the jurisdiction of the Telegraphers' Agreement, brought about by impairing the seniority already earned by many when older employes were shifted to such seniority districts where they had never earned seniority and taking with them all seniority earned on another part of the railroad where a different seniority district had been established for many years. The Committee further claims that: (1) Past practice should have been invoked regardless of the presence of Article Nine in the Telegraphers' Agreement with the Carrier; (2) All seniority districts existing as of June 30th, 1936, should be returned to the status of June 30, 1936; (3) No further consolidations of seniority districts be made on any other operating division which was affected by the July first, 1936, rearrangement."

STATEMENT OF FACTS: The parties jointly certify to the following statement of facts:

"Prior to July 1, 1936, the following seniority districts for telegraphers were in effect covering territory as indicated:

Chicago to Davenport.

Bureau to Peoria.

Rock Island to Peoria—constituting the Chicago Terminal and Illinois Divisions, excluding towermen on the Chicago Terminal Division.

Davenport to Kansas City.

Coburn to St. Joseph.

Altamont to Leavenworth.

Allerton to Des Moines, including Winterset Branch, Indianola and Rushville Branches—constituting the Missouri Division.

Iowa Division

J. D. Mantor

J. R. Miller

P. A. Lien

H. R. Upchurch

D. M. Hummel

Regular employes on leave of absence on account of physical disability declaring a preference for seniority district:

J. F. Stewart desires to go from Missouri Division to Kansas-St. Louis Division

It is understood that all furloughed employes returning to active service will be taken care of on a pro rata basis, to be arrived at by and between the Rock Island officials and the Telegraphers' representatives.

We trust that these arrangements will be satisfactory to the Railway Company.

Yours very truly,

(Signed) W. H. Dunnam
General Chairman.

CC—J. D. Farrington,
Chicago, Illinois.

C. J. Brown,
Kansas City, Missouri.

WHD:M

"The superintendents addressed in Mr. Dunnam's letter of August 25, 1936, were advised that the arrangement outlined by Mr. Dunnam was considered proper and that they should proceed to consolidate the several seniority districts to correspond to the then superintendents' jurisdiction. This was done."

"Under date of November 7, 1936, General Chairman Dunnam addressed Assistant to Chief Operating Officer F. H. Frey and requested that the consolidation of the old Missouri Division with the new Missouri-Kansas, Des Moines, and Rock Island divisions be abrogated and the several parts of the old Missouri Division which had been consolidated be returned to the status of one division. This request was declined and the case is therefore being brought to your Board by the employes."

"The carrier permitted the employes to work out their own arrangements with respect to how the Missouri Division seniority district would be consolidated with the other seniority districts, and all positions of the individuals transferred to the new seniority districts were so transferred on the basis of General Chairman Dunnam's letter of August 25, 1936. The seniority districts for the Rock Island, Des Moines, Cedar Rapids-Dakota, and Missouri-Kansas divisions should continue as now constituted and seniority rosters should be immediately revised on other consolidated or changed divisions so there will be but one seniority district on each superintendent's division as outlined in Rule 9. We hold that your Board is without authority to change present rules and because the rule involved in this controversy is so plain and the changes now complained of were made on the basis of that rule and with the concurrence of the Organization, all four contentions of the employes as set forth in their claim should be denied."

OPINION OF BOARD: It is not open to argument that the merger of seniority districts complained of is strictly in conformity with Article 9 of the Telegraphers' agreement. The fact that the Carrier has in some other instances agreed with the Committees to follow a different plan from that specified by Article 9 does not render the article inoperative in the absence of

such special agreements. Although its application in this particular instance works great and unforeseeable hardships, this Board has no power to intervene in the matter.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Board finds no violation of the agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of January, 1938.