

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Sidney St. F. Thaxter, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

CANADIAN NATIONAL RAILWAYS—CENTRAL REGION

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that the name of Mr. E. Russell, who is now and was employed in the Grand Trunk Western Railroad Traffic Office at Buffalo, N. Y., prior to Mediation Agreement, effective October 1, 1938, should be deleted from the 1940 Roster for Clerks, Freight Handlers and Station Employees at Black Rock and Buffalo, N. Y."

EMPLOYEES' STATEMENT OF FACTS: "Mr. E. Russell entered the service of the Canadian National Railways on August 16, 1918, and on April 30, 1927, he left the Canadian National Railways to accept employment in the Traffic Office of the Grand Trunk Western Railroad at Buffalo, N. Y. The Grand Trunk Western Railroad is a subsidiary of the Canadian National Railways.

"Prior to December 1, 1934, the Company's employees in the Freight Office, Freight Shed, Yard Office and Station at Black Rock and Buffalo, N. Y., were covered by an agreement with another organization, and said agreement included the entire Canadian National Railways in Canada as well as a few border points in the United States. The aforementioned employees at Black Rock and Buffalo, N. Y., held seniority rights over the St. Thomas Division of the Railroad.

"On December 1, 1934, the Company's employees at Black Rock and Buffalo, N. Y., changed their organization affiliation. Consequently, they lost seniority rights over the St. Thomas Division, and from that date on held seniority rights only to positions at Black Rock and Buffalo, N. Y.

"There is in evidence a Mediation Agreement, effective October 1, 1938, and the rules thereof read:

'Article 3.

'(a) There shall be one seniority group for all employees. The former seniority groups, namely, (1) Clerical Forces and (2) All Others, shall be combined. The employees shall hold seniority rights to all positions, provided however that employees with seniority rights prior to January 1, 1933, shall be accorded preference rights to appointments to positions which were included in the former seniority group in which they first held seniority, such group to be indicated by a designating mark placed on the seniority list against the names of such employees.

"We therefore, ask that the Board in its award require the Carrier to delete the name of Mr. E. Russell from the 1940 roster at Black Rock and Buffalo, and not show the name of this former employe on future rosters."

POSITION OF CARRIER: "The Freight Traffic Office at Buffalo, N. Y., is a Canadian National System office soliciting traffic for the Canadian National Railways and its subsidiaries, the Grand Trunk Western and Central Vermont Railways, and this office staff (of which Russell is a member) is paid by Grand Trunk Western pay cheques, as a matter of convenience only.

"The Freight Traffic office at Buffalo solicits traffic for the Canadian National and its subsidiaries, the Grand Trunk Western and Central Vermont Railways.

"The word 'Railway' as used in Article 3, Clause (c) of the agreement dated October 1st, 1934, has never been interpreted to mean 'Canadian National Railways—Central Region,' nor was it ever intended that it should be so interpreted.

"Therefore Russell, who is employed at Buffalo, is an employe of the Canadian National Railways and his name should be continued on the seniority roster for Clerks, Freight Handlers and Station Employes at Black Rock and Buffalo, and he should continue to accumulate seniority in accordance with Article 3, Clause (c) above quoted."

OPINION OF BOARD: The decision in this case is governed by the Opinion in Docket CL-1520, Award 1505, and in accordance with the view there expressed we must hold that the name of the employe was properly retained on the roster.

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 employe involved in this dispute are respectively carrier and employe 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 there was no violation of the agreement in retaining the name of the employe on the roster.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 10th day of July, 1941.