

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

PACIFIC ELECTRIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that the Pacific Electric Railway Company violated and continues to violate the Agreements, effective November 1, 1936, between the Pacific Electric Railway Company and the American Train Dispatchers Association, To Govern the Hours of Service and Working Conditions of Terminal Foremen:

(1) When it refused and continues to refuse to properly title, rate and classify two positions in the Butte Street Yard office as Terminal Foremen under the provisions of Article 1 (a) and (b) and Article 4 (e).

(2) The two positions in the Butte Street Yard Office, with hours 4:00 p.m. to 12:01 a.m. and 12:01 a.m. to 8:00 a.m. to which all the work and duties of terminal foremen covered by the Terminal Foremen Agreement (A.T.D.A.) have been assigned, shall now be properly classified and titled Terminal Foremen and filled under the requirements of Article 5 (f) and (g), and

(3) That the extra Terminal Foremen affected by the violation shall now be compensated (under Article 5) for all time lost from April 16, 1943, the date the violation commenced, until the positions are properly classified and filled.

EMPLOYEES' STATEMENT OF FACTS: There is an agreement between the Pacific Electric Railway Company and the American Train Dispatchers Association, governing the Hours of Service and Working Conditions of Terminal Foremen, effective November 1, 1936. Article 1-Scope, of said Agreement reads as follows:

"(a) This agreement shall govern the working conditions of Terminal Foremen.

"(b) When classification does not conform to this Article, employees performing service in the class specified shall be classified accordingly."

Article 4 (e) reads as follows:

"The wages for new positions shall be the same as the wages for positions of equal scope and responsibility in the district where created."

Article 5 (f) and (g) read as follows:

"(f) Vacancies and new positions known to be of six (6) months duration, or more will be filled as follows:

OPINION OF BOARD: In view of the holding in Award 2963, Docket CL-2712, disposing of the question, this claim will be dismissed.

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 claim will be dismissed in accordance with Opinion.

AWARD

Claim dismissed in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 29th day of May, 1946.