

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

H. Nathan Swaim, Referee.

PARTIES TO DISPUTE:

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

THE ERIE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the rules of the Clerks' Agreement at Buffalo, New York when it required regularly assigned employes to suspend work on their regular positions claiming that the positions were abolished, and

That employes F. Hurley, E. Walsh, J. Griffin, Evelyn Donlon, and J. Morris shall be compensated for wage loss sustained to the extent as herein indicated:

Miss Hurley for one day—May 10, 1946
Mr. E. Walsh for three days—May 10, 11, and 13, 1946
Mr. J. Griffin for three days—May 10, 11, and 12, 1946
Mr. J. Morris for three days—May 10, 11, and 13, 1946

Miss Evelyn Donlon for three days—May 10, 11, and 13, 1946.

EMPLOYES' STATEMENT OF FACTS: Miss F. Hurley seniority date, March 22, 1943 was the regular assigned Relief Clerk, rated various.

Mr. E. Walsh, seniority date, November 19, 1936 was the regular assigned Grain Clerk, rate, \$201.60 per month.

Mr. J. Griffin, seniority date, October 22, 1940 was the regular assigned Typist, rate, \$7.80 per day.

Mr. J. Morris, seniority date, June 2, 1923 was the regular assigned O.S. & D. Clerk, rate, \$206.60 per month.

Miss Evelyn Donlon, seniority date, September 15, 1917, was the regular assigned Stenographer-Typist, rate, \$206.60 per month.

On May 7, 1946, the Carrier issued Roster "A" Bulletin No. 9 abolishing 43 positions, effective May 10, 1946. All of the positions abolished were re-established and employes notified to report for work on their former positions, effective May 14, 1946, pending award to successful applicants.

Miss Hurley was the regular assigned Relief Clerk and her assignment was reduced to five days during the week in which May 10, 1946 occurred due to the nominal abolishment of position of Typist in the Freight Received Department, Louisiana Street Station, Buffalo, New York. The work on

To confirm statement at conference that (1) the regular assigned positions were abolished properly under the provisions of the rules so we cannot allow claim for alleged loss of work; (2) the case of Miss Hurley we refer back to the local officers and if it is found that Miss Hurley lost time during this period because of our failure to properly abolish position, they will authorize adjustment due. You will be advised in the usual manner if and when adjustment is to be made.

Will you please acknowledge.

Yours very truly,

(Signed) P. W. Johnston
Vice President.

OPINION OF BOARD: This Docket presents another controversy between the same parties as Docket Number CL-3726. Here as there the claim is for time lost by certain employes on account of their positions having been allegedly abolished by the Carrier for the period May 10, 1946, to May 15, 1946, both inclusive.

The factual situation here is the same as considered in that Docket on which we have this day rendered Award No. 3884. For the same reasons there assigned we must also hold here that the Carrier violated the Agreement.

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 employes 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 Carrier violated the Agreement as claimed.

AWARD

The claim is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 30th day of April, 1948.