

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis B. Murphy, Referee

PARTIES TO DISPUTE:

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

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Claim of the District Committee of the Brotherhood that

(a) The Agreement governing hours of service and working conditions between Railway Express Agency, Inc. and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, effective September 1, 1949, was violated at the Baton Rouge, Louisiana Agency, July 19, 1954, when the position occupied by Mannie Thomas was allegedly abolished, and the job content was delegated to various positions whose assigned duties Mannie Thomas possessed neither the education nor technical training to fill;

(b) The position of Porter shall now be restored under the scope and operation of the Agreement; and

(c) Mannie Thomas shall be compensated for all salary losses sustained retroactive to and including July 19, 1954.

EMPLOYES' STATEMENT OF FACTS: Mannie Thomas, with a seniority date of January 1, 1929, is the regular occupant of position titled Porter, Group 25, Position 1; hours of assignment 10:00 A. M. to 6:30 P. M., work week assignment Monday through Friday with Saturday and Sunday as days of rest; rate of pay \$282.22 basic per month. Prior to Abolishment Notice No. 3 effective July 19, 1954, the duties of this position were:

"Cleaning the premises, pulling trucks on the platform, loading and unloading traffic from the trains passing Baton Rouge, loading and unloading set out car, and assisting in the separating of inbound and outbound traffic, also keep platform trucks greased and renew advertising posters on motor vehicles, etc."

That furloughed employe Thomas has been called for all work at Baton Rouge which he was able to perform is amply demonstrated by the record set out above. Employes have failed to show that furloughed employe Thomas has been deprived of any of his rights under the Agreement, or that there has been any violation of the rules in the abolishment of his former position effective July 19, 1954. The claim in the instant case is wholly without merit under the facts, rules and precedent Awards cited and should be denied.

All evidence and data set forth have been considered by the parties in correspondence and in conference.

(Exhibits not Reproduced.)

OPINION OF BOARD: It is the contention of the Organization that the Railway Express Agency, violated their agreement when it abolished the position held by Mr. Mannie Thomas, Porter, at the Baton Rouge Agency, effective July 19, 1954.

This Division has upheld the right of the Carrier to determine what positions are needed for the efficient operation of its facilities unless it expressly has limited such prerogative by their Agreement.

The Record in this case indicates that the Carrier was faced with an economic situation at the Baton Rouge Agency due to a decline in business. They found it necessary to abolish one position and Mr. Thomas was holding the lowest rated position and not being able to qualify for a higher rated position where he might exercise his seniority over a junior employe was placed in a furloughed status.

The evidence in this case clearly indicates that the Carrier carried out all of the provisions and obligations required under their contract.

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 Employes 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 there is no evidence that the Agreement was violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois this 28th day of July, 1959.