

Award No. 9118
Docket No. TE-8321

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Referee Thomas C. Begley

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK, CHICAGO AND ST. LOUIS
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York, Chicago and St. Louis Railroad, that:

1. Carrier violated the agreement between the parties signatory thereto when, acting alone, it abolished the position of second shift operator at Noblesville, Indiana, September 3, 1953, without in fact abolishing the work of the position and transferred said work to employees not covered by the Telegraphers' Agreement; and
2. The Carrier shall restore the position and return the work thereto, compensating the former occupant of the position for any loss in wages or expenses incurred by reason of Carrier's violative act; and
3. Pay to the senior idle employee, extra in preference on the seniority district involved, 8 hours at the pro rata rate for each day beginning September 3, 1953 and on a continuing basis until the violation has been corrected, except on holidays when such employee would be entitled to be paid time and one-half rate; and
4. Any other employees who have been adversely affected by Carrier's improper abolishment shall be compensated for any loss of wages and expenses incurred, such information to be developed by a joint check of Carrier's records.

EMPLOYEES' STATEMENT OF FACTS: The Agreements between the parties to this dispute are on file with this Division of the National Railroad Adjustment Board, and by reference, are made a part of this submission.

This claim arises out of Carrier's unilateral abolishment of the second shift operator-clerk's position at Noblesville, Indiana on September 3, 1953, without in fact abolishing the work of the position, and the transfer of said work to employees not covered by the Telegraphers' Agreement at Noblesville.

All that is contained herein is either known or available to the Employees and their representatives.

(Exhibits not reproduced).

OPINION OF BOARD: The record shows that the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees are an interested third party to this claim and that consideration of the merits must be deferred pending notice to that Brotherhood with an opportunity to be heard.

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;

That the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees are entitled to notice of hearing pursuant to Section 3, First (j) of the Railway Labor Act, as amended.

AWARD

Hearing and decision on merits deferred pending due notice to the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees to appear and be represented in this proceeding if it so desires.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Secretary

Dated at Chicago, Illinois, this 11th day of December 1959.