

Award No. 12975
Docket No. CL-12677

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

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

**PHILADELPHIA, BETHLEHEM AND NEW ENGLAND
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-4929) that:

(a) The Carrier violated the Agreement when, effective May 27, 1960, it suspended Claimants from their regularly assigned positions.

(b) Carrier shall now compensate Claimants at the pro rata rate of their positions as follows:

Mertz, J. A.	1 day	May 28, 1960
Fisher, J. G.	1 day	May 29, 1960
Ryan, J. P., Jr.	2 days	May 28 and 29, 1960
Lilly, W. C.	2 days	May 28 and 29, 1960
Kline, J. J.	2 days	May 28 and 30, 1960
Thatcher, R. W.	2 days	May 28 and 29, 1960
Mack, A. R., Jr.	2 days	May 27 and 31, 1960
Ryan, T. P.	2 days	May 29 and 31, 1960
Reed, E. H.	2 days	May 28 and 29, 1960
Dorney, R. M.	3 days	May 27, 28 and 30, 1960
Sawaska, J. P.	3 days	May 27, 30 and 31, 1960
Christof, E. H.	4 days	May 27, 28, 30 and 31, 1960

EMPLOYEES' STATEMENT OF FACTS:

1. On May 24, 1960 Carrier posted Clerical Bulletin No. 720 announcing that all positions would be abolished effective Friday, May 27, 1960, 11:00 P.M. and adding that all employees affected would be assigned in seniority order to meet service requirements (Employees' Exhibit A). Effective 7:00

(b) When positions are abolished, any remaining duties shall be re-assigned through conference in accordance with paragraph (a) of this Rule."

A mere reading of the Rule shows its inapplicability here.

Finally, the Local Chairman charges a violation of "various sections of Rule 15 - Seniority," without specifying them; and the General Chairman goes no further than to agree with the Local Chairman's general statement.

In general with regard to the Seniority Rule, the basic purpose of that Rule is to give employees the right to work according to seniority. Here the claim of the Brotherhood is on behalf of the 12 junior-most outside clerks whose assignments were abolished. It is, of course, obvious from the lack of claims on behalf of the senior clerks that they worked as much time as they would have worked had their assignments not been abolished, demonstrating how effectively the Carrier divided the reduced amount of work among the senior employees. This certainly meets the purpose of the Seniority Rule, and, the Carrier submits, is not inconsistent with any of the provisions of the Rule.

For all the reasons stated, it is the Carrier's position that the Brotherhood's claim is without merit and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This case is the same in all material respects as in Award No. 12974.

We adopt the opinion therein as determinative of the issues in this case.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 the Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of October 1964.

**CARRIER MEMBERS' DISSENT TO
AWARD 12975, DOCKET CL-12677**

We dissent to this award for the reasons previously stated in our Dissent to Award 12974.

**W. F. Euker
R. A. DeRossett
C. H. Manoogian
G. L. Naylor
W. M. Roberts**

**LABOR MEMBER'S ANSWER TO
CARRIER MEMBERS' DISSENT TO
AWARD 12975, DOCKET CL-12677**

Our answer to Carrier Members' Dissent to this Award is the same as that which we state in our Answer to Carrier Members' Dissent to Award 12974, Docket CL-12597.

D. E. Watkins
Labor Member