

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

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

GEORGIA RAILROAD

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5122) that:

(a) The Carrier violated the Agreement when, at Harrisonville Yards, Augusta, Georgia it abolished the position of Bill Clerk in violation of the Agreement rules.

(b) Claimants R. W. Fuller, John Stevens, Lester Reese and W. L. Gheesling shall now be additionally compensated for three (3) days, December 29, 30 and 31, 1960, at the rate of their respective positions.

EMPLOYEES' STATEMENT OF FACTS: 1. On Friday, December 23, 1960 the Carrier required a clerk on duty after 5:00 P. M. to post a notice on the Bulletin Board at Harrisonville Yards, Augusta, Georgia, reading:

"Effective after tour of duty Wednesday, December 28, 1960 Bill Clerks position working 3:00 P. M. to 11:00 P. M. now held by R. W. Fuller is abolished."

2. On Monday, December 26, 1960 notices of the abolishment of the Bill Clerk position were reproduced and mailed to other points in the seniority district, and to the Division and General Chairman. The bulletin was dated December 23, 1960 (Employees' Exhibit A) effective with the tour of duty at 11:00 P. M., December 28, 1960, the position of Bill Clerk was no longer filled, and was treated as abolished in fact.

3. Claim was filed under date of January 4, 1961, and being declined, was appealed up to and including Carriers' highest officer designated to receive and consider such appeals.

Copies of all correspondence in connection with the claim are attached hereto and identified as Employees' Exhibits "A" through "H". Claim, having been declined by Carriers' officer, is now properly before your Honorable Board.

POSITION OF EMPLOYEES: There is in effect an agreement between the parties bearing effective date of May 1, 1942, (Except for rules revised effec-

(Exhibits not reproduced).

OPINION OF BOARD: The record here discloses an admission by the Carrier that there was a "technical" violation of Rule 14 (a) when the bulletin abolishing the Bill Clerk's position was not issued and posted at all points in the seniority district, with copies to the Division and General Chairman at least six days before the effective date of such abolishment.

This Board is not disposed to excuse rule violations on grounds that they are "technical" or that mitigating and extenuating circumstances may have been present (Award 7347). Rules such as Rule 14 are designed to protect and preserve the valuable seniority and displacement rights of employees covered by the Agreement. Accordingly, they must be strictly construed and enforced.

A violation having been admitted, the claim will be allowed. Claimants will be compensated for actual wage losses, if any, sustained by them for the three-day period set out in paragraph (b) of the claim.

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 in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of January 1965.