

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYES UNION
(FORMERLY THE ORDER OF RAILROAD TELEGRAPHERS)

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY
— WESTERN LINES —

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Atchison, Topeka & Santa Fe Railway, that:

1. The Carrier violated the terms of the Agreement between the parties when, on June 27, 1959, it unilaterally declared abolished the position of first trick telegrapher-cashier at Silver City, New Mexico and assigned a portion of the work of this position, and a portion of the work of the reclassified position of agent-telegrapher, to a newly established clerk's position not covered by the Telegraphers' Agreement.

2. The work comprising the first trick telegrapher-cashier and the agent's positions at Silver City, New Mexico, shall be restored to the Agreement and to the employees (telegraphers) to which it traditionally and contractually belongs.

3. Carrier shall compensate J. J. Garza on the basis of eight hours' pay at the rate of the first trick telegrapher-cashier position at Silver City each work day for any wages lost, in addition to pay at the time and one-half rate for any work performed outside the assigned hours of the first trick telegrapher-cashier position at Silver City, New Mexico, plus actual expenses incurred on each day he works at a station other than Silver City, New Mexico.

EMPLOYES' STATEMENT OF FACTS: Agreement between the parties, bearing effective date of June 1, 1951, is in evidence.

This dispute concerns the Carrier's unilateral abolishment of the telegrapher-cashier position and reclassification of the agent's position to agent-telegrapher, without conference or negotiation, at Silver City, New Mexico, and the transfer of work formerly performed by the agent and telegrapher-cashier to a newly established clerical position.

Prior to June 27, 1959, the station force at Silver City was:

OPINION OF BOARD: Carrier unilaterally abolished the Telegrapher-Cashier position, established a new Cashier-Utility Clerk position, and transferred the clerical duties of the Telegrapher-Cashier, covered by the Telegraphers' Agreement, to the new Cashier-Utility Clerk, covered by the Clerks' Agreement.

The facts in this case are substantially the same as those in Award 14708, involving the same parties, the same Agreement and identical contentions. For the reasons therein set forth, we will find the Agreement violated in this case and sustain the claims to the same extent as we did in Award 14708.

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 Carrier violated the Agreement.

AWARD

Claims sustained with the same modifications and to the same extent indicated and set out in Award 14708.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1966.

CARRIER MEMBERS' DISSENT TO AWARD 14711 — DOCKET TE-12260

(Referee Dolnick)

For purpose of this dissent we adopt dissent to Award 14708 in Docket TE-12217.

/s/ T. F. Strunck
T. F. Strunck

/s/ R. E. Black
R. E. Black

/s/ P. C. Carter
P. C. Carter

/s/ G. C. White
G. C. White

Keenan Printing Co., Chicago, Ill.

Printed in U. S. A.