

Award No. 15165
Docket No. CL-15751

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5782) that:

(a) Carrier violated the Agreement at Atlanta, Georgia, when Mrs. D. C. Dodson was not permitted to exercise a displacement right which had accrued to her under our Agreement rules.

(b) Mrs. Dodson shall be compensated at the rate of \$19.37 a day, five (5) days per week, for the period beginning October 31, 1963, and continuing until she is permitted to exercise the displacement to which she is entitled.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the class or craft of employees in which the claimant in this case held position and the Southern Railway Company.

Mrs. D. C. Dodson was a clerical employe in the Passenger Section of the Accounting Bureau, Southern Railway Company, holding a position of Ticket Clerk until her position was abolished on October 31, 1963. Mrs. Dodson was, therefore, entitled to exercise a displacement as provided in our Agreement Rule 21. She was denied this right, the Carrier contending "inasmuch as Mrs. Dodson had no experience as a Key punch Operator, she was not allowed to make a displacement because she was not qualified."

Claim was filed accordingly on December 30, 1963, by Chairman, Protective Committee, Mr. E. E. Yancey (Employees' Exhibit A) which reads:

"This claim is filed for and in behalf of Mrs. D. C. Dodson, account of not being allowed to exercise her seniority rights in her seniority district to a position as key punch operator, and be trained as other employes have been trained.

Rules 3 and 40 (b) have been violated. Rule 40 (b) reads as follows 'Employes feeling an injustice has been done them, or having a grievance, may submit their case to their superior officer for con-

in the office where such abolishment is to be effected, the position paying the lowest rate shall be abolished.

* * * * *

"RULE 21.
REDUCING FORCES AND EXERCISING SENIORITY
(Revised, effective October 1, 1938)

(a) When forces are reduced, employes affected will be given all reasonable notice practicable (in no case less than thirty-six (36) hours) and will be eligible to any position on their respective seniority district to which their seniority and qualifications entitle them under this schedule. Employes, other than those embraced in Groups 4 and 5 will be required to avail themselves of this rule within thirty (30) days.

* * * * *

(Emphasis ours.)

(Exhibits not reproduced.)

OPINION OF BOARD: This case involves the same parties, agreements and issues as in Award No. 15164. For reasons stated in that Award we will deny the Claim.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1967.

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