

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

John H. Dorsey, Referee

**PARTIES TO DISPUTE:**

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION**  
**(Formerly The Order of Railroad Telegraphers)**

**MISSOURI PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when it arbitrarily and without agreement dualized the stations of Beebe and Cabot, Arkansas, and required one agent-telegrapher to work both stations.
2. Carrier shall, beginning with Monday, May 21, 1962, compensate L. B. Byrd eight hours per day at the agreed to rate of the Cabot, Arkansas agency position, or the senior idle telegrapher, extra preferred, on any day Mr. Byrd is not available. This is a continuous claim, forty hours per week, beginning with May 21, 1962.

**EMPLOYEES' STATEMENT OF FACTS:** There is an Agreement in effect between the parties with rules effective September 1, 1949, and Wage Schedule effective February 1, 1951. Listed at page 43 of the Agreement are the positions of Agent-Telegrapher at both Beebe and Cabot, Arkansas. The rates of pay as listed are Beebe, Agent-Telegrapher, \$1.755 per hour, and Cabot, Agent-Telegrapher, \$1.635 per hour. With agreed to wage increases the positions were rated at \$2.6328 and \$2.3678 cents per hour respectively, up to May 21, 1962.

On November 6, 1961, the Arkansas Commerce Commission published a notice that unless within 60 days a Petition signed by at least 25 qualified electors residing in the city, town or Political Subdivision of Beebe and Cabot requesting re-establishment of such stations, the proposal of the Carrier would become effective 90 days from the date of filing of the said notice. As the Commission received no petition the Arkansas Commerce Commission never docketed the matter for formal hearing, and the Carrier unilaterally put into effect the dualization on May 21, 1962.

On February 5, 1962, Chief Personnel Officer Smith addressed General Chairman McDonald and stated that he had authority to dualize Beebe and

idle telegrapher extra preferred on dates Mr. Byrd is not available, for eight hours per day starting May 21, 1962 because Carrier dualized the stations of Beebe and Cabot without agreement with the Organization and required one Agent to work both stations.

9. This dispute was handled in the usual manner on the property, up to and including the Director of Labor Relations, the highest designated officer authorized to handle same.

(Exhibits not reproduced.)

**OPINION OF BOARD:** Carrier, without agreement of Petitioner, abolished one man agencies located in Beebe and Cabot, Arkansas; and created a new position to handle the work at both locations. This is referred to in the industry as a "dualization."

It is Petitioner's position that Carrier did not have the right to combine work locations of separate stations listed in Rule 21 of the Agreement.

Rule 21 is a Wage Schedule listing locations, positions and rates of pay for positions existing at the time the Agreement was executed. We have held that such a list, standing alone, does not impair a Carrier's prerogative to abolish positions or to create new positions. Award Nos. 13323, 14742, 11294, 11120, 7073. See, also, Award Nos. 14775, 13323, 14971, 14493, 12932, 12932. Inasmuch as Petitioner failed to cite any Rule which supports its position, we will deny the Claim. Award 13741.

**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 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 31st day of May 1967.

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