



Award No. 15602
Docket No. TE-14722

**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 Kensett and Judsonia, Arkansas on September 7, 1962, and required one agent covered by the Telegraphers' Agreement to work both stations.

2. Carrier shall compensate P. H. Hazlett eight (8) hours per day, five (5) days per week, at the agreed to rate of the Judsonia, Arkansas, agency position beginning with September 7, 1962, or the senior idle telegrapher, extra preferred, on any day Mr. Hazlett is not available. This is a continuous claim forty (40) hours per week, beginning with September 7, 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 Judsonia and star agent at Kensett, Arkansas. The agreed rates of pay are listed as Kensett \$391.80 per month, and Judsonia \$1.635 per hour. With agreed to wage increases these positions were rated at \$581.44 per month for Kensett and \$2.3678 per hour for Judsonia on September 7, 1962.

The Arkansas Commerce Commission on application of the interested residents held hearing on January 11, 1961 concerning the notice of the Missouri Pacific to dualize the agency stations at Judsonia and Kensett, Arkansas. See ORT Exhibit 1.

Prior to the dualization of these two stations, E. G. Everett was assigned as star agent at Kensett and P. H. Hazlett was assigned as agent restricted operator at Judsonia. Mrs. Everett had a seniority date of July 14, 1942 and Mr. Hazlett had a seniority date of December 9, 1946.

During 1960 after extended negotiations, this Carrier and this Organization made agreements covering certain specific locations in Kansas where

10. This dispute was handled in the usual manner on the property up to the Director of Labor Relations, the highest designated officer authorized to handle same, who declined the claim under date of March 8, 1963.

(Exhibits not reproduced.)

OPINION OF BOARD: This Claim involves the same parties and Agreement and presents the same issue as in Award No. 15601. For reasons stated in that Award we will deny 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 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.