



Award No. 15681
Docket No. CL-15705

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

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

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5778) that:

(1) The Carrier has violated and continues to violate the rules of the Clerks' Agreement effective December 1, 1956, as amended, when without conference or agreement it arbitrarily and unilaterally abolished the position of Stenographer in the Office of Superintendent Station Operations at Macon, Georgia and transferred the work attached to this position to the Southern Railway at Chattanooga, Tennessee; and,

(2) Stenographer W. R. Olive and/or the person(s) who may have been working on her position on temporary basis, shall be reimbursed for all salary losses from October 3, 1964 and have all other rights resorted which are contemplated by the Agreement — this claim to remain in effect until all work and/or positions are restored to Central of Georgia Clerks' performance; and,

(3) All of those Clerks on the Macon Division Line of Road Seniority District who may have been, or may be hereafter, displaced as a result of this action shall be likewise compensated in full for all wage losses and have all other rights restored to them in the same manner; and,

(4) All of the employees affected shall, if the work remains transferred to the Southern Railway Company, have their seniority "dovetailed" in such manner that they shall not lose any seniority rights as result thereof; and,

(5) All other conditions attached to the Clerks' Agreement of December 1, 1956, as amended, shall apply to these Clerks and/or their successor(s); and,

(6) The records of the Carrier shall be checked to determine in complete detail all of the foregoing information.

OPINION OF BOARD: For the reasons set forth in Award 15679, 15028, 15460, and 15477, we hold the Agreement was violated and compensation is allowed to make Claimants whole according to the guidelines followed in these Awards.

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 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 in accordance with above Opinion.

AWARD

Claim sustained in accordance with above Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1967.

LABOR MEMBER'S ANSWER TO CARRIER MEMBERS' DISSENT TO

AWARD NO. 15679, DOCKET CL-15670
AWARD NO. 15680, DOCKET CL-15704
AWARD NO. 15681, DOCKET CL-15705
AWARD NO. 15682, DOCKET CL-15706
AWARD NO. 15683, DOCKET CL-15707
AWARD NO. 15684, DOCKET CL-15859

(Referee Engelstein)

The Carrier Members' dissent with respect to jurisdiction is certainly unsound inasmuch as there were disputes growing out of grievances or out of the interpretation or application of Agreements covering rates of pay, rules, or working conditions.

If there is a deficiency in the Awards it arises from the adoption of other Awards as a remedy herein which quite possibly could result in confusion necessitating clarification. Vagueness, which invites further argument, does not serve the purpose of furnishing prompt and orderly settlement of such disputes.

D. E. Watkins
Labor Member
8-18-67

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