



Award Number 17380

Docket Number CL-16331

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

G. Dan Rambo, 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-5979) that:

- (a) The Carrier violated the Agreement when it failed and refused to assign Mr. J. T. Foster, Computer Operator, 705 and 7074 Computers, to the position of Computer Operator, 7040 Computer, as advertised in Bulletin No. 12 of September 29, 1964. In lieu thereof, this position was assigned to Mrs. V. W. Wayman, a junior employee in the Computer Center.
- (b) Carrier shall now assign Mr. Foster to the position of Computer Operator, 7040 Computer and compensate him at the rate of that position beginning October 7, 1964 and each succeeding day thereafter until he is assigned as Computer Operator on the 7040 Computer as advertised on Bulletin No. 12 of September 29, 1964, or any other position he bid on that his seniority entitles him with the respective rate of pay.

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 holds a position and the Southern Railway Company.

Mr. J. T. Foster is carried on the Southern Railway System, Vice President-Staff, Atlanta, Georgia, Seniority Roster "B", with a seniority date of March 3, 1958. He is shown on the roster as holding a position of Computer Operator, Employees' Exhibit "A".

In the year 1956, the Southern Railway announced its intention to install a Type IBM-705 electronic data processing machine and certain auxiliary computing equipment in their General Office Building, Atlanta, Georgia.

In November of that year, two mutually acceptable, separate, Memorandum Agreements were entered into with respect to the rights of clerical employees to positions that were needed and subsequently established to operate this new equipment. Attached as Employees Exhibits "B" and "C" are copies of these Agreements.

per week, subject to reduction in weeks in which holidays occur by the number of such holidays. Employees desiring such position must, within five calendar days (except in General Offices at Washington, Cincinnati, Atlanta, and Chattanooga, where the period shall be two working days) after bulletin is posted, make written application to the officer issuing the bulletin. The bulletin shall expire at twelve o'clock midnight on the fifth or second day, as the case may be. From these applications the senior qualified employee shall be assigned to the position within fifteen (15) days, and bulletin will be posted giving name of successful applicant. If requested, copy of all bulletins will be furnished Local Chairman.

(Exhibits Not Reproduced)

OPINION OF BOARD: The statement of claim, the issues and the parties are identical to those raised and disposed of in companion Award 17378 (Rambo) and that award is considered controlling in this matter.

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 Employee involved in this dispute are respectively Carrier and Employee 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1969.