

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20753
Docket Number CL-20714

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and Station
(**Employees**

PARTIES TO DISPUTE: (

(Louisville and Nashville Railroad Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-7532) that:

1. Carrier violated and continues to violate the Agreement between the parties when it transferred the work being performed by **employees** under the Agreement at East End Avenue, Chattanooga, Tennessee, to employees not so covered on another railroad and another **seniority** district.

2. Carrier further violated and continues to violate the, agreement between the parties when it transferred the work being performed by employees under the Agreement at Lewis Street Tower, Chattanooga, Tennessee, to employees not so covered on another seniority district.

3. Carrier shall return the work to Chattanooga District employees of the Louisville & Nashville Railroad Company and for each day that said work is handled by employees not under the Agreement, the Carrier shall, commencing October 5, 1972 and continuing thereafter until the violation ceases, pay the equivalent of a day's pay (eight hours) in each twenty four hour period, to each of the six senior idle employees, extra in preference, on the seniority district.

OPINION OF BOARD: The claim alleges that Carrier violated the Agreement when it (1) transferred the work being performed by employees under the Agreement at East End Avenue, Chattanooga, Tennessee, to employees not covered by the Agreement on another railroad and another seniority district; and (2) transferred the work being performed by employees under the Agreement at Lewis Street Tower, Chattanooga, Tennessee, to employees not so covered on another seniority district.

The record shows that the Petitioner also progressed to the tribunal having jurisdiction, a dispute under the Washington Job Protection Agreement alleging that without agreement the Carrier effected a coordination of its facilities at East

End Avenue and Lewis Street Tower, Chattanooga, Tennessee with C. T. Tower of the Southern Railway System, Chattanooga, Tennessee, **commencing** October 5, 1972. Special Board of Adjustment No. 605 rendered its Award No. 390 on that dispute on March 28, 1975, to the effect that the changes made did not effect a coordination, and holding that the record before that Board was barren of any showing that any L&N work which survived the substantial physical changes made in **Chattanooga** is now being performed by Southern employees at CT Tower. That decision disposed of the issues involved in (1) that is, the alleged transfer of work to employees not covered by the Agreement on another railroad and another seniority district.

As to (2) the alleged transfer of work being performed by employees under the Agreement at Lewis Street Tower to employees not so covered on another seniority district, the Petitioner has not submitted probative evidence to support its contention, and furthermore this Board has held, in numerous decisions, that the control of switches and signals through Centralized Traffic Control systems, manned by train dispatchers, is not a violation of the Petitioner's Agreement. Awards 19767, 19594, 19068, 14342, 14341, 10725, 10401, 10303.

We have no alternative but to dismiss part (1) of the claim, and deny parts (2) and (3).

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 the Agreement was not violated.

A W A R D

Part (1) of the claim dismissed; parts (2) and (3) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulos* "
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1975.