

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.

DISPUTE.—J. B. Swaim, a telegrapher working in "GO" Relay Office, Chicago, not permitted to work the position of Senior Operator, claiming amount of pay lost.

FINDINGS.—The Third division of the Adjustment Board, upon the whole record and all the evidence, finds 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.

This division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

An agreement exists between the parties (bearing effective date of January 1, 1928) governing wages and working conditions of employees therein designated, among them being employees occupying position of "Senior Operator" at wage rate of 84 cents per hour, and certain other Telegrapher positions at wage rate of 82 cents per hour in "GO" relay office of the carrier at Chicago, Illinois.

The employee regularly assigned to position of Senior Operator, so-called, vacated the same from July 22 to July 30, inclusive, 1933, and the said position was filled on those dates by Telegrapher Snodgrass who was regularly assigned to position of Telegrapher in the same office at rate of 82 cents per hour; and the temporary vacancy thus created on position regularly occupied by Telegrapher Snodgrass was filled by another Telegrapher from extra list.

Telegrapher Swaim was regularly assigned to position of telegrapher (at rate of 92 cents per hour) in the same office and was not disturbed therefrom although he was senior to Snodgrass.

The employees cite certain rules of agreement to show that Telegrapher Snodgrass was wrongfully used to fill the described temporary vacancy on position of "Senior Operator." It is found that the agreement did not require the carrier to award the described temporary vacancy to either Swaim or Snodgrass, but that it should have been assigned to the oldest available qualified extra telegrapher.

The carrier erroneously caused said vacancy to be bulletined but that error is not cause for an affirmative award upon the claim of Telegrapher Swaim.

AWARD

Claim denied on its individual merits.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 19th day of February 1935.