

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY**

DISPUTE.—"Claim of the General Committee of The Order of Railroad Telegraphers on St. Louis-San Francisco Railway, that telegrapher C. W. Bashe be allowed to retain and accumulate seniority under Telegraphers' Schedule while occupying the elective public office of Collector of Revenue for Barry (Missouri) County for the term which elected by the citizens of that county."

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

The carrier and the employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

The parties to said dispute waived right of appearance at hearing thereon.

The following statement of facts is jointly certified by the parties, and the Third Division so finds:

"In the general election in the State of Missouri held November 6, 1934, C. W. Bashe, telegrapher at Seligman, Missouri, was elected by the citizens of Barry County to the public office of Collector of Revenue for the ensuing term of four years. Before permitting the citizens of the county to place his name in nomination as a candidate in the primary election held in August 1934, he requested the carrier for a leave of absence of a necessary length of time in which to conduct his campaign, which was granted with the expressed provision that if elected he must permanently leave the service of the carrier."

The term of the office runs from March 1, 1935, to March 1, 1939.

Mr. Bashe holds seniority on telegraphers' seniority roster, Central Division, dating from May 6, 1911, and has been regularly assigned to position of telegrapher at Seligman continuously since December 24, 1912, up to and including the present date, except for the period August 15, 1932, to January 4, 1933, when he was assigned to position of agent-telegrapher at Garfield, Ark. Telegraphers' Schedule Article VIII, Paragraph 2, Section (i), reads as follows:

"When employees are transferred and after a fair trial are found incompetent, or if not satisfied and request it, they will be placed on the extra list, retaining their seniority rights."

Mr. Bashe intends to go to the extra list if the carrier will allow him to accept the office of Collector of Revenue and continue to retain and accumulate seniority while holding such public office. If this were permitted, Mr. Bashe would not protect the extra work, unless in case of emergency, except as necessary to retain his seniority rights in accordance with Article VIII, Paragraph 7, which reads as follows:

"Employees on extra list not used for a period of ninety (90) consecutive days are automatically cut out of service, except employees with five (5) years or more of seniority will not be cut out of service until the expiration of one hundred eighty (180) days from date last worked."

There are 42 employees on Central Division Telegraphers' Seniority roster junior to Bashe, holding regularly assigned positions; 37 of these are positions on which Bashe's seniority would entitle him to bump in case he was displaced from his assignment at Seligman."

The Third Division finds no cause for an Award upon the claim made subject of dispute.

AWARD

Case dismissed.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 11th day of March 1935.