

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**STATEMENT OF CLAIM:** "Claim of the General Committee of The Order of Railroad Telegraphers on Illinois Central Railroad that J. R. Esler, regularly assigned agent at Grand Crossing, Ill., P. Hametman, regularly assigned agent at Riverdale, Ill., J. H. Griff, regularly assigned agent at West Pullman, Ill., W. H. Bash, regularly assigned freight agent at Kensington, Ill., and W. F. Blum, regularly assigned freight agent at South Chicago, Ill., were improperly removed from their respective positions on October 1, 1937, and shall be restored to their regularly assigned positions and retroactively compensated for any loss in wages they may have suffered by reason of having been improperly removed; and that all employees resultantly displaced by reason of the improper removal of the aforesaid agents from their positions, shall be restored to their regularly assigned positions and retroactively compensated for any loss in wages they may have suffered by reason of such improper displacement."

**EMPLOYEES' STATEMENT OF FACTS:** "An agreement bearing date August 16, 1931, as to rates of pay, and November 1, 1931, as to rules of working conditions, is in effect between the parties to the dispute.

"The positions of agent at Grand Crossing, Riverdale, and West Pullman, and the positions of freight agent at Kensington and South Chicago are covered by said agreement. J. R. Esler, P. Hametman, J. H. Griff, W. H. Bash, and W. F. Blum, are respectively, regularly assigned to these positions.

"Effective October 1, 1937, the carrier removed these employees from their regularly assigned positions and declared the positions abolished.

"On the same date, October 1, 1937, the carrier transferred the duties of these several agent positions to employees designated as team-track clerks and to other employees, none of whom are under telegraphers' agreement."

**POSITION OF EMPLOYEES:** "The agencies at Grand Crossing, Riverdale, and West Pullman, and the freight agencies at Kensington and South Chicago, are covered by the prevailing telegraphers' agreement.

"Prior to October 1, 1937, J. R. Esler, P. Hametman, J. H. Griff, W. H. Bash, and W. F. Blum were respectively regularly assigned under telegraphers' agreement to the above mentioned positions.

"Effective October 1, 1937, the carrier discontinued the positions, and by unilateral action, without conference or agreement with the committee, transferred all of the work of the positions to employees designated as 'team clerks' and to other employees, none of whom are under telegraphers' agreement.

"Immediately prior to this change being made, the carrier maintained the following positions at the stations in question:

with the undersigned and requested that the agencies be continued. They were informed that the agencies were no longer required, and, because of the urgent need for economizing in every way possible, we were contemplating discontinuing the agencies. After the agencies were discontinued, the employees' representative continued to protest, but the only arguments ever advanced by him were the general statements: 'The schedule agreement was being violated,' and 'Awards have been issued by the Board which will support the employees' contentions.' No specific rules of the schedule were mentioned, and we have been unable to find any rule of the schedule that was violated, or any awards issued by the Board which would support the employees' contentions.

"Every effort was made by the carrier to convince the employees, their local chairman and general chairman, that the carrier was acting in good faith, and that we were not attempting to undermine their schedule agreement through a technicality, or otherwise. At our conference on December 21, 1937, the situation was again gone over with the employees' representative, but at the conclusion of the conference General Chairman Mulhall stated he would not consider any disposition of the matter other than restoration of the agent's position at each of the stations involved. Since there was no need for the agents, and no violation of the schedule agreement in discontinuing the agencies, we could not grant the request. In an effort to dispose of the controversy without submitting it to this Board, we asked President Manion of the O. R. T. to assign a grand lodge officer to meet with and assist us in reaching a mutually satisfactory agreement. Vice President Gardner was assigned, and conference was held on January 3, 1938. We again went over the situation quite thoroughly but the employees' representative stated, in effect, that it was his position the last man taken off at the stations must be the agent, and that he would not concede the carrier's right to abolish an agency and transact any part of the business previously done by the agency in question through another agency, which Referee Hotchkiss said in Award No. 299 we have a right to do. At the conclusion of the January 3rd conference, Mr. Gardner promised to give the matter some further consideration and let us hear from him again, but not having heard anything more from him as of this date (February 1, 1938), we are filing the carrier's submission prepared in accordance with the requirements contained in the Board's Circular No. 1 issued October 10, 1934, as required by Secretary Johnson's letters dated December 4 and 30, 1937."

**OPINION OF BOARD:** It is clearly shown in the record of this case that the only freight work remaining at the five stations involved in this claim is a small amount of clerical work, all of which was performed by clerks represented by the Brotherhood of Railway Clerks during the time agencies were maintained at these points. It was clerks' work when agencies were maintained, and it is clerk's work now; the fact that the agencies were discontinued did not change the classification of the clerks' work to telegraphers' work. The remaining clerks look after the industry and team tracks for the accommodation of patrons of the carrier, and they do not transact business which the Telegraphers' Agreement and/or the carrier's rules require to be transacted by an agent. These clerks perform clerical work, under the jurisdiction and supervision of the Chicago Station Agent, located at South Water Street, and/or the Terminal Freight Agent located at Markham.

The Chicago Station Agent's jurisdiction covered the entire district within the Chicago switching limits during all the period when the carrier maintained individual agencies at the several stations involved in this dispute. The Agent at the Chicago Station handled billing, accounts, etc., on connecting line car-load shipments to and from the districts served by these outlying agencies when they were maintained.

L. C. L. freight to and from patrons of the carrier, located in the district served by these agencies which were abolished, was also handled by the Chicago Station during the period these outlying agencies were in existence.

The Board submits that the evidence in this case clearly shows that the agents' positions in question were, in fact, abolished, and that in taking such action the carrier did not violate provisions of the agreement between it and The Order of Railroad Telegraphers. The record further shows that the employees now stationed at these points, and who handled the carload freight business, are, in fact, clerical employees, and that they come within the purview of the agreement between the carrier and the Brotherhood of Railway Clerks.

**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 between the carrier and The Order of Railroad Telegraphers was not violated.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1938.