

Award No. 2318

Docket No. TD-2356

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that the M-K-T Railroad violated the rules of the Dispatchers' Agreement:

(1) When on November 3, 1942, without conference or agreement (Article VIII), it unilaterally changed the title of chief dispatcher, Muskogee, Okla., assigned hours 7:00 A. M. to 7:00 P. M., to Trainmaster, assigned same hours, and thereby removed the work, duties and authority of the train dispatcher class from the scope and operations of the agreement rules by assigning said duties to the newly titled position of Trainmaster, a position wholly excepted from the rules of said agreement.

(2) That the position shall now be properly titled chief dispatcher, and the work, duties and authority of dispatchers as outlined in Article (I)—Scope, under definition of chief, night chief and assistant chief dispatchers shall now be restored to the dispatchers' class, and

(3) That train dispatchers entitled to relief work in that office shall now be paid for all time lost under the provisions of paragraphs (A), (B), (C) and the note in paragraph (C), Article III, and Article IV of the Agreement, account of being deprived of relief work on chief dispatcher position.

NOTE: The respective statements of fact and the original submissions of the parties to this case appear in Award 2316, Docket TD-2354, adopted September 27, 1943, and are not repeated here.

OPINION OF BOARD: This dispute is governed by the Opinion filed in Docket TD-2354, Award 2316.

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 carrier violated the agreement as indicated in the Opinion filed in Docket TD-2354, Award 2316.

AWARD

Claim sustained as indicated in the Opinion filed in Docket TD-2354, Award 2316.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 27th day of September, 1943.