

Award No. 2322

Docket No. TD-2360

**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 8, 1942, it established a position of chief dispatcher, Franklin, Mo. (hours not specified), in violation of Article I—Scope, of said Agreement.

(2) That the position shall now be properly titled assistant chief dispatcher in accordance with the provisions of Article I—Scope, and bulletined for dispatchers' bids under the provisions of paragraphs (C) and (H), Article V of said Agreement.

(3) That the senior qualified dispatcher entitled to the position shall now be assigned and compensated at assistant chief dispatcher's rate for all time lost until the position is properly bulletined and filled, and

(4) 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 the position.

NOTE: The respective statements of fact and the original submissions of the parties to this case appear in Award 2321, Docket TD-2359 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 employes involved in this dispute are respectively carrier and employes 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

Claims 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.