

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

H. R. CORNELIUS

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim that the Carrier violated and continues to violate the agreement governing seniority rights of petitioner under an agreement signed March 6, 1943, effective March 16, 1943. Agreement contains the following clause:

"That in the event of force reductions the Student Clerk position would be the first one to be abolished and in that order."

The Agreement outlines all positions and salaries in order in which positions are to be abolished.

Carrier violated the Agreement when on August 31, 1953, in reducing force at the Union Station Ticket Office, Columbus, Georgia, abolishing higher paid positions held by senior employees; that Carrier refused to permit petitioner to exercise seniority rights on other position, disqualifying petitioner on the contention that petitioner could not take shorthand. Petitioner claims that there was not over one letter a day to be taken in shorthand and that prior to creating the Steno-Clerk position that Stationmaster and his assistant answered all the correspondence, and other work performed by the steno-clerk was originally performed by all Ticket Sellers and at the time petitioner's position was abolished he was required to perform part of the Steno-Clerk's work. Petitioner's position was created before the Steno-Clerk position was established and holds seniority over all clerks employed since September 4, 1942.

OPINION OF BOARD: On August 31, 1953, Carrier abolished two ticket clerk positions at Columbus, Ga., one of which was held by Petitioner. The latter requested that he be permitted to displace a junior employe occupying the position of stenographer-clerk, which request was denied because he lacked experience as a stenographer, and he was furloughed.

Rule 20 (b) provides as follows:

"Employees desiring to protect their seniority rights and to avail themselves of this rule must, within five (5) days from the date actually reduced to the furloughed list, file their name and address in duplicate in writing both with the proper official (the officer authorized to bulletin and award positions) and with Local Chairman, and must advise within five (5) days after any change in address, or forfeit all seniority rights."

Petitioner does not contend that he is qualified as a stenographer and admits that some stenography was required to be performed at the time his position was abolished and subsequently. The record also contains Petitioner's admission that he failed to comply with Rule 20 (b).

On the basis of the foregoing, the claim must be denied.

While other issues are mentioned in the record, it is unnecessary to discuss them in view of the decision reached herein.

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 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 was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of July, 1957.