

Award No. 9912
Docket No. CL-9289

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin J. Rose, Referee

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

STATEMENT OF CLAIM: (46) Claim that certain conditions exist in the General Office Building, Oelwein, Iowa, in violation of Rule 58 of the Clerks' Agreement with respect to protection of the health and safety of employees — Organization's Case G-741.

CARRIER'S STATEMENT OF FACTS: This dispute originated with an exchange of correspondence between the General Chairman and Carrier's Personnel Officer as reproduced below:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES**
Room 710 Woods Building — — — 54 West Randolph Street

Chicago 1, Illinois

December 5, 1955
Case: G-741

Mr. D. K. Lawson, Personnel Officer
Chicago Great Western Railway Company
700 Mulberry Street
Kansas City 1, Missouri

Dear Sir:

Please refer to my letter of September 20, 1955 with respect to the health and safety of the employees, wherein we contend that certain existing conditions are in violation of Rule 58 of our current Rules Agreement.

This matter was discussed in conference; and you advised that corrections would be made on these matters, i.e., in the ladies' rest rooms at the Oelwein General Office, proper lighting in the file quarters and adequate ventilation in the General Office building.

First (i) of the Railway Labor Act, as amended, they are not properly referable to your Board. Six hundred and ninety copies of this submission are being forwarded under separate cover to accommodate each of your forty-six files.

OPINION OF BOARD: This claim was referred by the Carrier to the Division in the form in which it was submitted by the Employees to the Carrier and handled on the property.

The claim asserts that certain conditions exist at the General Office Building, Oelwein, Iowa, in violation of Rule 50 of the parties' Agreement which states that "the health and safety of employees shall be reasonably protected."

Although the record shows that certain changes were made by the Carrier as a result of the complaint, the Employees still contend that ventilation in the Accounting Department of the General Office Building is inadequate.

The Carrier contends that according to architectural engineers, the available ventilation is more than ample for the number of employees accommodated.

Our careful consideration of the record discloses a disagreement concerning the adequacy of the existing ventilation facilities for the area and the employees involved. The facts presented are insufficient to justify a sustaining award.

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 was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 23rd day of March, 1961.