

Award No. 13690

Docket No. TE-12839

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Kieran P. O'Gallagher, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYES UNION

(Formerly The Order of Railroad Telegraphers)

THE INDIANAPOLIS UNION RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Indianapolis Union Terminal Railway, that:

1. Carrier violated and continues to violate the Agreement between the parties when, effective November 1, 1960, it declared abolished all positions in "UN" Telegrapher Office, Indianapolis, Indiana, and transferred all the work thereof to employees in another seniority district and to persons holding no seniority under the Agreement.

2. Carrier shall be required to restore the work to employees entitled thereto under the rules of the Agreement and to compensate C. L. Herbert, A. L. Sanders, D. E. Isaacs, H. D. Anderson, D. O. McKinney, R. G. Jackson, M. C. Hartley, E. R. Todd, D. D. Lamberth, J. L. Dalton, J. A. Harper, L. Evans, N. R. Jones and J. L. Flanigan in the amount of a day's pay at the rate of the position from which displaced on each work day of that position beginning on November 1, 1960, and continuing thereafter on a day-to-day basis until the violation is corrected.

3. Carrier shall also compensate extra employees W. C. Johnson, R. E. Arthur, A. L. Turk, C. Malle, C. F. Thombleson, C. D. Weed, R. T. Ray, D. W. Whitehouse, J. O. Stewart, D. E. Black, J. W. Akers for all time lost because of the violation set forth above beginning with November 1, 1960, and continuing thereafter until the violation is corrected. A joint check of Carrier's records to be made to determine amount of time lost.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective August 16, 1948, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

The Indianapolis Union Railway is a terminal railway which provides terminal facilities for the trunk lines entering Indianapolis viz., Monon, Baltimore and Ohio, Cleveland, Cincinnati, Chicago & St. Louis, Nickle Plate, Illinois Central, and Pennsylvania, and performs switching service in the Indianapolis area.

The Indianapolis Union Railway Company was organized May 31, 1850, as the Union Tracks Railway Company; the name was changed in 1853 to the

OPINION OF BOARD: The issue here is whether the Carrier had the right to close "UN" Office at Indianapolis, and in so doing displace certain employees.

We can find nothing in the current agreement which restricts or limits the Carrier in the exercise of its right to conduct its business in a manner prescribed by good business procedure, and we find no violation of the current agreement resulting from the closing of the station in question.

The Organization alleges that some of the work formerly performed at "UN" Office has been transferred to employees holding no seniority under the agreement, but it has failed to meet the burden of proof imposed upon it.

We find no merit in the contention of the Organization that Rule 9 was violated by the Carrier in the closing of "UN" Office. Indeed, the record reveals that upon the abolishment of "UN" Office all of the employees involved exercised their displacement rights to other districts of the I. U. Division and followed the work that was transferred to those districts, with the exception of one employee who reverted to the extra board.

We find no violation of the Agreement, and the claim must fail for lack of merit.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employee 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 30th day of June, 1965.