

Award No. 14745
Docket No. TE-11981

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

G. Dan Rambo, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk and Western Railway that:

1. Carrier violated and continues to violate the agreement between the parties when, effective January 12, 1959, it declared abolished the position of Second Trick Operator-Clerk at Bedford, Virginia and transferred the work thereof to the Cashier, and employee not covered by the agreement.

2. Carrier shall be required to restore the position of Second trick Operator-Clerk, and the regular Relief Position at Bedford, and return the regularly assigned incumbents thereto.

3. Carrier shall be required to compensate W. R. Dunnam, Jr., B. B. Neighbours, C. A. Burford and any other employees adversely affected, according to the provisions of Rule 21 (a) commencing January 12, 1959 and continuing thereafter until the violation is corrected.

EMPLOYEES' STATEMENT OF FACTS: The Agreements between the parties are available to your Board and by this reference are made a part hereof.

Bedford, Virginia is a station on the Norfolk division of this Carrier. Prior to May 1, 1954, there were four basic positions and one rest day relief position at this station. A position of agent-operator on the first shift and three positions of operator-clerk around-the-clock, changing shifts at 8:00 A. M., 4:00 P. M. and 12:00 Midnight, with the regular rest day relief position relieving two days on the first shift operator-clerk position, two on the second shift operator-clerk position and one day on the third shift operator-clerk position. Effective May 1, 1954, the first shift operator-clerk position was

hours each at the rate of pay for their former position held when forced to revert to the extra list as a result of the Carrier's unilateral action in abolishing the Second trick Operator and Clerk position at Bedford and transferring the work thereon to the Cashier."

The Carrier declined the claim.

OPINION OF BOARD: This matter arises between the same parties and on an almost identical set of facts and supporting arguments as that disposed of by this Board in Award 14744.

The only unique allegation herein by the Organization is that to comply with a statute of the state of Virginia the Agreement must be violated on each posting by a person not covered by the Agreement posting a public bulletin board as to delay of passenger trains when such occurs. The Carrier asserts that such posting has been discontinued with the abolishment of the covered position. It is not within the province of this Board to seek compliance by anyone with state statutes so this argument is dismissed.

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 has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of August 1966.