



Award No. 15684

Docket No. CL-15859

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

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

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5801) that:

(1) The Carrier violated and continues to violate the rules of the Miscellaneous Employees' Agreement effective June 30, 1960, as amended, when without conference or agreement it arbitrarily and unilaterally abolished all positions in the Superintendent's Office at Macon, Georgia and transferred the work attached to these positions to the Office of the Superintendent, Southern Railway Company at Macon, Georgia; and,

(2) Office Porter Greene Bussey, salary \$385.31 per month (174 hours' service per month), and/or the person(s) who may have been working on this position on temporary basis shall be reimbursed for all salary losses from August 17, 1964 and have all other rights restored which are contemplated by the Agreement, this claim to remain in effect until all of the work and/or positions are restored to Central Of Georgia Laborers' performance; and

(3) All of those Porters and/or Laborers on the Macon Division who may have been or may hereafter be displaced as a result of this action shall be likewise compensated in full for all wage losses and have all other rights restored to them in the same manner; and,

(4) Porter Greene Bussey (Seniority date October 1, 1943) and all of the employees affected shall, if the work remains transferred to the Southern Railway Company, have their seniority "dovetailed" in such manner that they shall not lose any seniority rights as result thereof; and,

(5) All other conditions attached to the Miscellaneous Employees' Agreement of June 30, 1960, as amended, shall apply to Greene Bussey and/or those Laborers and/or their successors; and,

(6) The records of the Carrier shall be checked to determine in complete detail all of the foregoing information.

OPINION OF BOARD: For the reasons set forth in Awards 15679, 15028, 15460, and 15477, we hold the Agreement was violated and compensation is allowed to make Claimants whole according to the guidelines followed in these Awards.

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 violated.

AWARD

Claim sustained in accordance with above Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1967.

LABOR MEMBER'S ANSWER TO CARRIER MEMBERS' DISSENT TO

AWARD NO. 15679, DOCKET CL-15670
AWARD NO. 15680, DOCKET CL-15704
AWARD NO. 15681, DOCKET CL-15705
AWARD NO. 15682, DOCKET CL-15706
AWARD NO. 15683, DOCKET CL-15707
AWARD NO. 15684, DOCKET CL-15859

(Referee Engelstein)

The Carrier Members' dissent with respect to jurisdiction is certainly unsound inasmuch as these were disputes growing out of grievances or out of the interpretation or application of Agreements covering rates of pay, rules, or working conditions.

If there is a deficiency in the Awards it arises from the adoption of other Awards as a remedy herein which quite possibly could result in confusion necessitating clarification. Vagueness, which invites further argument, does not serve the purpose of furnishing prompt and orderly settlement of such disputes.

D. E. Watkins
Labor Member
8-18-67

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