

**Award No. 16056  
Docket No. TE-14456**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Thomas J. Kenan, Referee**

**PARTIES TO DISPUTE:**

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

**ATLANTIC COAST LINE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad, that:

1. Carrier violated the Agreement between the parties when effective March 1, 1962 it declared "abolished" the position of ticket agent-telegrapher, Port Tampa, Florida, when in fact the work of such position remained and was required to be performed daily thereafter by employes not covered by the Agreement.
2. Carrier shall be required to restore the full time position of ticket agent-Telegrapher at Port Tampa, Florida, as existed prior to March 1, 1962.
3. Mr. W. L. Meyers shall be compensated in accordance with Article 8 of the Agreement.
4. Carrier shall compensate the following extra telegraphers, seniority in preference, eight (8) hours at \$2.55 per hour: Mrs. Mary T. Burdette, C. H. Eichel, C. A. Fawcett, C. E. Bone, H. I. Wells, R. L. Jackson, B. R. Harbin, F. L. Gebhardt, C. E. Hymen, G. E. Sorrells and G. R. Cocke.
5. Joint check of Carrier's records be ordered to ascertain and verify the names and amounts due employes as set forth herein.

**EMPLOYEES' STATEMENT OF FACTS:** There is in full force and effect collective bargaining agreements entered into by and between the Atlantic Coast Line Railroad Company, hereinafter referred to as Carrier or Management, and The Order of Railroad Telegraphers, hereinafter referred to as Employes or Telegraphers. The Agreements are, by reference, made a part of this submission as though set out herein word for word.

At Port Tampa, Florida, there is a station which was formerly used by the Carrier in the handling of passengers, freight and general railroad business.

The Employees based their claim on their formal notice of November 8, 1961, reading as follows:

"No positions in effect on November 8, 1961, may be abolished or discontinued except by agreement between the Carrier and the Organization."

Conferences have been held on the property concerning this proposal, however, no agreement has been reached.

During appeal of this claim the Employees contended that the Carrier cannot discontinue any position while there is pending their formal notice of November 8, 1961. Carrier disagrees with the Employees' contention, as it is not supported by the Railway Labor Act or the current agreement. There being no merit in claim of the Employees, the claim was at all times declined.

Copy of Superintendent B. B. Vaughan's letter to General Chairman J. W. Matthews on July 6, 1962, is attached as Carrier's Exhibit No. 1, and copy of my letter to General Chairman Matthews on October 9, 1962, is attached as Carrier's Exhibit No. 2.

(Exhibits not reproduced.)

**OPINION OF BOARD:** This is a companion claim to that involved in Award Number 16054. For the reasons set forth therein, this claim must be denied.

**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 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 no violation of the Agreement occurred.

#### AWARD

Claim Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of January 1968.

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