

# **NATIONAL RAILROAD ADJUSTMENT BOARD**

## **THIRD DIVISION**

### **(Supplemental)**

Bill Heskett, Referee

#### **PARTIES TO DISPUTE:**

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

**THE PENNSYLVANIA RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of the Transportation-Communication Employees Union (formerly The Order of Railroad Telegraphers) on the Pennsylvania Railroad that Carrier, without conference or negotiation, violated the Telegraphers' Agreement when it abolished the position of agent-operator at Switz City, Indiana, but did not abolish the work. Claim is made that March 8, 1962, D. L. Pennington was improperly displaced from his temporary position as agent at Sandborn, Indiana, and that D. L. Pennington shall be compensated for the monetary losses sustained.

**EMPLOYES' STATEMENT OF FACTS:** The current Agreement between the parties has been effective since September 1, 1949, superseding previous Agreement of May 16, 1943. The Scope thereof provides:

#### **"SCOPE.**

The provisions set forth in this Agreement shall constitute separate Agreements between The Pennsylvania Railroad Company and its employes, and the Baltimore and Eastern Railroad Company and its employes, of the classifications set forth below, represented by the Order of Railroad Telegraphers, and shall govern the hours of service, working conditions and rates of pay of the respective positions and employes classified herein.

**The Pennsylvania  
Railroad Company**

**Baltimore & Eastern  
Railroad Company**

Group 1 - Station Agents and Assistant  
Agents classified herein.

Station Agents and  
Assistant Agents  
classified herein.

Group 2 - Managers and Assistant  
Managers, Wire Chiefs  
and Assistant Wire Chiefs,

displacement of the claimant resulting from the abolishment of the Agent position at Switz City was violative of the Telegraphers' Agreement and whether the Claimant is entitled to the compensation which he claims.

(Exhibits not reproduced.)

**OPINION OF BOARD:** This claim was premised entirely on the contention that the Carrier had violated the Agreement when it abolished the Switz City Agency and began installation of an automatic interlocking system.

As was determined in Award 16509, wherein the present referee acted as the neutral, Carrier did not violate the Agreement as it regarded Claimant Lawson therein. Therefore, the Claimant has no cause to complain because of Lawson's seniority "bump" and this claim is 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 the Agreement was not violated by the Carrier.

#### **AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of THIRD DIVISION

**ATTEST:** S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 26th day of July 1968.