



Award Number 17381

Docket Number CL-16332

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

G. Dan Rambo, Referee

PARTIES TO DISPUTE:

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

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (FL-5980) that:

- (a) The Carrier violated the Agreement when it failed and refused to assign Mr. F. L. Fouts, Computer Equipment Operator, 7074 Computer, to the position of Computer Operator, 7040 Computer, as advertised in Bulletin No. 14 of September 29, 1964. In lieu thereof, this position was assigned to Mr. R. W. Woodward, a junior employe in the Computer Center.
- (b) Carrier shall now assign Mr. Fouts to the position of Computer Operator, 7040 Computer, and compensate him at the rate of that position beginning October 7, 1964, and each day thereafter until he is assigned as Computer Operator as advertised in Bulletin No. 14 of September 29, 1964, or any other position his seniority entitles him to with respective rate of pay.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes as the representative of the Class or Craft of employes in which the claimant in this case holds a position and the Southern Railway Company.

Mr. M. L. Fouts is carried on the Southern Railway System, Vice President-Staff, Atlanta, Georgia, Seniority Roster "B", with a seniority date of August 10, 1962. He is shown on the roster as holding a position of Computer Equipment Operator, Employees' Exhibit "A".

In the year 1956, the Southern Railway announced its intention to install a Type IBM-705 electronic data processing machine and certain auxiliary computing equipment in their General Office Building, Atlanta, Georgia.

In November of that year, two mutually acceptable, separate, Memorandum Agreements were entered into with respect to the rights of clerical employes to positions that were needed and subsequently established to operate this new equipment. Attached as Employees' Exhibits "B" and "C" are copies of these Agreements.

Since the initial signing of the Memorandum Agreement with respect to the rights of the employes working in the Computer Center, there has

OPINION OF BOARD: The statement of claim, the issues and the parties are identical to those raised and disposed of in companion Award 17378 (Rambo) and that award is considered controlling in this matter.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1969.