

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20982  
Docket Number CL-20843

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees  
PARTIES TO DISPUTE: (  
(Chicago, Milwaukee, St. Paul and Pacific  
( Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7579) that:

1. Carrier violated and continues to violate the Clerks' Rules Agreement at Chicago, Illinois when it arbitrarily transferred work from Seniority District No. 30 to Seniority District No. 152.

2. Carrier shall now be required to compensate employe C. DiCicco at the penalty rate of Report Clerk Position 02260 for all report work removed from her position for each work day beginning February 1, 1973 and for all subsequent days the violation continues; reparation to be determined by a joint check of Carrier's records.

OPINION OF BOARD: The instant dispute concerns asserted unilateral transfer of work across seniority district lines, in abrogation of Rule 2 of the Agreement.

Among other defenses advanced, Carrier relies upon the February 7, 1965 National Agreement. That Agreement governs Carrier's right to "... transfer work and/or transfer employees ..." across seniority district lines necessitated by "... technological, operational and organizational changes ..." Moreover, Article VII, Section 1 of said Agreement provides the specific machinery for resolving "Any dispute involving the interpretation or application of any of the terms of this agreement. ..."

We find no evidence of record which suggests that the February 7, 1965 Agreement has been amended, modified, abrogated or superseded. As noted in Award 17988:

"We agree with prior Awards of the Board to the effect that procedures established and accepted by the parties themselves for resolving disputes should be respected."

See, also, Award 16869.

Accordingly, we will dismiss the claim without prejudice.

Award Number 20982  
Docket Number CL-20843

Page 2

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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1976.