

AWARD NO. 252
Case No. TCU-11-SE

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Atlantic Coast Line Railroad Company
TO THE) and
DISPUTE) Transportation-Communication Employees Union

QUESTIONS

- AT ISSUE:
1. Is Carrier permitted to abolish a position covered by the Telegraphers' Agreement, and combine the work thereof with another position covered by the same Agreement at another location, without first following the procedure set forth in Article III, Sections 1 and 2 or 3?
 2. Did Carrier violate the Agreement when it moved work performed by employees covered by the Telegraphers' Agreement from one point to another without first following the procedure set forth in Article III, Sections 1 and 2 or 3?

OPINION

OF BOARD: To replace various buildings at its facility in Fitzgerald, Georgia, Carrier constructed a new building which housed the Telegraphers formerly employed in the yard office and the nearby freight agency. One less position was required as a result.

According to the Organization, Carrier was obliged to enter into an implementing agreement in accordance with Article III of the February 7, 1965, Agreement. Carrier, noting that neither work nor employees were transferred, and that under the schedule agreement nothing had occurred which would have required conference and agreement with the Organization, contends that the February 7, Agreement was not violated or even involved in this situation.

AWARD NO. 252
Case No. TCU-11-SE

The same issue was presented to the Third Division under the schedule agreement and was decided by Public Law Board No. 194, Award No. 6, which held that the Carrier was not obliged to negotiate an agreement with the Organization, and that no violation of any rule was shown. Consequently, it must be held that neither Article III of the February 7, Agreement nor Interpretation I(b) on Page 10 of the Interpretations of November 24, 1965, can be construed to require an implementing agreement in a case like this.

A W A R D

1. Under the facts of this case, the answer to Question No. 1 is Yes.
2. The answer to Question No. 2 is No.


Milton Friedman
Neutral Member

Dated: July 8, 1971
Washington, D. C.