

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Atchison, Topeka and Santa Fe Railway
TO THE) and
DISPUTE) Transportation - Communication Employees Union

QUESTIONS

AT ISSUE:

1. What is the effective date of the Agreement dated February 7, 1965?
2. Does an employee (extra or regularly assigned) who retains or obtains (by bidding or displacing) a regular position when such is available to him after December 24, 1965, retain protected status under the terms of Article II, even though such employee may not have done so prior to December 24, 1965?
3. Does the abolishment of positions, made possible through the discontinuance of certain trains, and/or reduction of business at certain stations, constitute operational or organizational changes within the meaning of Article III?

OPINION

OF BOARD:

The Board concludes, that, because of the unique facts and circumstances of this docket and without establishing a precedent on this or any other carrier that the Questions at Issue in this dispute are disposed of in the following manner:

With respect to Question No. 2, all claims for compensation should be denied, but because of the unique circumstances the Board concludes that the protected status under the February 7, 1965 Agreement should be restored as of the date of this award to claimant B. N. Howard, the only claimant currently employed by the carrier, without any retroactive compensation.

As a result of the disposition of Question No. 2 the Board concludes that it is unnecessary to Answer Questions Nos. 1 and 3.

AWARD

The case is disposed of as per Opinion of the Board.

W. S. Macgill

C. L. Dennis

M. E. Parks

J. E. Leighty

Dated: November 14, 1972

Washington, D. C.