

NATIONAL RAILWAY LABOR CONFERENCE

1225 CONNECTICUT AVENUE, N.W., WASHINGTON, D. C. 20036/AREA CODE: 202-659-9320

WILLIAM H. DEMPSEY, Chairman

H. E. GREER, Vice Chairman

ROBERT BROWN, Vice Chairman

W. L. BURNER, Jr., Director of Research

J. F. GRIFFIN, Director of Labor Relations

D. P. LEE, General Counsel

T. F. STRUNCK, Administrator of Disputes Committees

March 25, 1974

Mr. Milton Friedman
850 Seventh Avenue
New York, New York 10019

Dr. Murray M. Rohman
Professor of Industrial Relations
Texas Christian University
Fort Worth, Texas 76129

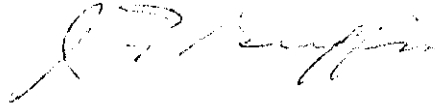
Mr. Nicholas H. Zumas
1990 M Street, N. W.
Washington, D. C. 20036

Gentlemen:

This will supplement our previous letters with which we forwarded to you copies of Awards of Special Board of Adjustment No. 605 established by Article VII of the February 7, 1965 Agreement.

There are attached copies of Award Nos. 376, 377 and Interpretation of Award No. 288, dated March 22, 1974 rendered by Special Board of Adjustment No. 605.

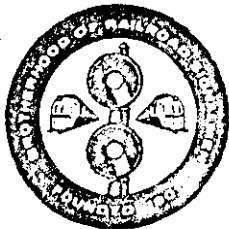
Yours very truly,



cc. Chairman, Employees National Conference Committee (10)

Messrs. C. L. Dennis (2)
S. G. Bishop
E. J. Neal
C. J. Chamberlain (2)
M. B. Frye (2)
W. W. Altus
H. C. Crotty (2)
✓ J. J. Berta (2)
R. W. Smith (2)
R. K. Quinn, Jr. (3)
W. F. Euker
T. F. Strunck





601 W. Golf Road
Mount Prospect, Illinois 60056

Grand Lodge Headquarters

C. J. CHAMBERLAIN
President

Brotherhood of Railroad Signalmen



April 23, 1974
SBA-2594-CRR of N.J.

Telephone
312-439-3732

Mr. William G. Mahoney, Attorney
Highsaw and Mahoney
Suite 506
1015 Eighteenth Street, N. W.
Washington, D. C. 20036

3231 Appl
2-7-65
SBA-605
SG-35-E

Re: SBA-605 Case No. SG-35-E
(2-7-65 Agreement)

Dear Mr. Mahoney:

This has reference to our claim that arose on the Central Railroad Company of New Jersey after carrier furloughed employees who were protected under the February 7, 1965 Agreement, concurrent with the cessation of its operations in the State of Pennsylvania on March 31, 1972.

Under date of March 22, 1974, the Dispute Committee established pursuant to the February 7, 1965 Agreement (Special Board of Adjustment No. 605), issued Award No. 377, remanding this case to the parties so that they may obtain a ruling from the Interstate Commerce Commission. Copy of that award is enclosed herewith.

Award No. 377 is consistent with the decision of Referee Rohmann in Award Nos. 374 and 375, which involved similar claims filed by the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, and Station Employees.

As you explained in your telephone conversation with Vice President Frye of this office on April 22, 1974, you submitted a brief to the ICC on behalf of BRAC in connection with Award Nos. 374 and 375, and could supplement it to include Award No. 377.

On the basis of my understanding that BRAC has no objection to the inclusion of Award No. 377 in your presentation to the ICC, you may consider this letter as authority for you to proceed on that basis on behalf of this Organization, with the cost of your services to be shared by BRAC and the BofRS.

If you desire additional information or documents from our files, please let us know.

Very truly yours,

President

Encl.

cc: Mr. C. L. Dennis, President BRAC
Mr. J. W. Walsh, V.P. BofRS
Mr. H. C. Crotty, President BofM of WE
Mr. R. W. Smith, V.P. - H&RE

AWARD NO. 376
Case No. CL-62-E
(TCU-48-E)

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) The Lehigh Valley Railroad Company
TO THE) and
DISPUTE) Transportation-Communication Division, BRAC

QUESTIONS
AT ISSUE:

1. Did the Carrier violate the Agreement when, on August 6, 1971, it unilaterally suspended and terminated the protected status (including monthly guarantees) of Messrs. G. Opert, W. A. Collins and J. T. Yezulinas without proper notice or foundation?
2. Shall the Carrier now be required to restore the protected status of the above-named employees, including monthly guarantees, and to make them whole for any loss of work or pay for which they would otherwise have enjoyed from the time they were affected?
3. This is a continuing claim for named claimants and any others who are similarly affected, either directly or indirectly.

OPINION

OF BOARD: Carrier notified Claimants on August 6, 1971 that, pursuant to Article I, Section 3, of the February 7 Agreement, "due to the anticipated decline in business of this Carrier, your status as a protected employee is suspended and terminated." Claimants were working from the extra board and continued to do so thereafter.

Award 321 of this Committee has disposed of the question of depriving extra employees of their protected status. Further, as the Organization pointed out, Section 3 deals with reductions in force and does not allow merely suspension of

AWARD No. 376
Case No. CL-62-E
(TCU-48-E)

protected status or its termination. Protection is automatic unless a specifically identified occurrence interrupts it or terminates it. Since there was no such occurrence, Claimants were entitled to file a claim for a continuing loss of benefits.

This Award is applicable only to the Claimants named in Question No. 1, the Organization acknowledging that reference to "any others" in Question No. 3 is not properly before the Committee.

AWARD

The Answer to Questions No. 1 and No. 2
is Yes.



Milton Friedman
Neutral Member

Dated: Washington, D. C.
March 22, 1974

