

AWARD NO. 287
Case No. TCU-76-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

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

QUESTIONS
AT ISSUE:

1. Does the transferring of any work performed by employees covered by the Telegraphers' Agreement to employees not covered by that Agreement constitute a violation of Article III, Section 1?
2. Due to their position being abolished, or due to being displaced on their positions as a result of abolishment of other positions, B. E. Waldrum and R. W. Tyler, in order to retain protected employee status, were forced to displace on positions requiring change in residence. Did Carrier violate Article III, Section 1 when it refused to allow them all moving expenses and five working days' pay in making transfer to their new positions?
3. Does the abolishment of positions, made possible through the discontinuance of operation of certain trains, and/or reduction of business at certain stations, constitute operational or organizational changes within the meaning of Article III?
4. Do time limits under Time Limit Rules start to run 30 days after November 24, 1965 with respect to all claims for compensation due to individual employees?

OPINION

OF BOARD: Questions 1, 3 and 4 have been withdrawn by the Organization.

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According to the Organization, "Carrier now operates each station without the services of the former Telegrapher on the first shift." The positions had been abolished and the work was performed by others.

Abolition of a position is not an operational or organizational change, according to Award No. 7 and to many other Awards which followed it. What occurred in this case was a reduction in force due to a decline in business and the performance of the remaining work by a smaller work force. No violation of Article III is involved.

A W A R D

1. Question Nos. 1, 3 and 4 have been withdrawn by the Organization.
2. The answer to Question No. 2 is No.


Milton Friedman
Neutral Member

Dated: Washington, D. C.
March /7, 1972