

# NATIONAL RAILWAY LABOR CONFERENCE

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

WILLIAM H. DEMPSEY, *Chairman*      M. E. PARKS, *Vice Chairman*  
H. E. GREER, *Director of Research*      J. F. GRIFFIN, *Administrative Secretary*      D. P. LEE, *General Counsel*

October 29, 1973

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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. 371 and 372, dated October 26, 1973 rendered by Special Board of Adjustment No. 605.

Yours very truly,



cc. Chairman, Employees National Conference Committee (10)

Messrs. C. L. Dennis (2)  
C. J. Chamberlain (2)  
M. B. Frye (2)  
H. C. Grotty (2)  
 J. J. Berta (2)  
S. Z. Plackin (2)  
R. W. Smith (2)  
R. K. Quinn, Jr. (3)  
M. E. Parks  
J. E. Carlisle  
W. F. Euber  
T. F. Strunk

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Ford, et al, v. Joint Council of Dining Car Employees'  
TO ) Union, Local 351 Hotel and Restaurant Employees' and  
DISPUTE ) Bartenders' International Union, A.F.L.-C.I.O. and The  
Atchison, Topeka and Santa Fe Railway Company, U. S.  
District Court for the Western District of Missouri,  
Western Division--No. 19284-A.

STIPULATED QUESTION AT ISSUE: Does the abolishment of positions, through discontinuance of passenger trains since May, 1968, constitute operational or organizational changes under Article III of the February 7, 1965, Agreement, and its interpretations, giving rise to carrier liability to protected employees for separation allowances or moving expenses under Article V of said Agreement?

OPINION OF BOARD: The essential facts are not in dispute. Carrier, as a result of declining passenger traffic, received permission from the Interstate Commerce Commission to discontinue the the operation of certain passenger trains beginning in May 1968.

As a consequence of such discontinuance Carrier abolished positions held by Dining Car Employees, members of Organization. Notice of discontinuance of passenger train operations and related abolishment of jobs was given to the Organization, including Local 351.

The employees take the position that those employees whose jobs were abolished are entitled to protective benefits under the February 7, 1965, Agreement because the discontinuance of passenger trains was an operational or organizational change.

Carrier asserts that prior awards of this Board have held that a job that is abolished due to a train discontinuance is not within the purview of Article III of the February 7, 1965, Agreement; hence, Carrier has no obligation to provide moving expenses or separation allowances.

An analysis of the prior awards of this Board make it clear that there is a distinction made between the abolishment of a job and the work is transferred (or continued in some manner), and the abolishment of a job and the work ceases to exist. In the first case there is an operational and organizational change; in the second case it is not. See Award Nos. 7, 235, 287, 300 and 301.

In Award No. 300 the Board had before it the question of whether the abolishment of positions brought about by the discontinuance of certain trains constituted an operational or organizational change. The Board held:


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"Both Claimants were displaced due to the abolition of a position. Pursuant to Award No. 7 and succeeding Awards, abolition of a position is not an operational or organizational change, and moving expenses therefore are not allowable."

Consistent with the prior awards of this Board, we find that the claim of the Employees is without merit.

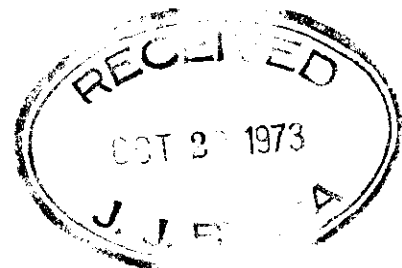
AWARD

The answer to the Stipulated Question at Issue is negative.

  
\_\_\_\_\_  
Neutral Member

  
\_\_\_\_\_  
Carrier Member

\_\_\_\_\_  
Labor Member



Dated: Washington, D. C.  
October 18, 1973