

AWARD NO. 35
DOCKET NO. 35
CASE NO. 2950



SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Souther & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when it declared abolished the second shift Telegrapher-Clerk, Fort Smith, Arkansas, on July 10, 1958, along with the rest day relief position at that location, without in fact abolishing the work of the two positions, and transferred the work of these two positions to employees not covered by the Telegraphers' Agreement.
2. Carrier shall now compensate W. H. Berd, the former incumbent of the second shift position, 8 hours pay for Friday, July 11; Saturday, July 12; Sunday, July 13, 1958, and for each succeeding work week Wednesday through Sunday until position restored.
3. Carrier shall now compensate G. D. Bailey, the former incumbent of the rest day relief position, 8 hours' pay for Saturday, July 12 and Sunday, July 13, at the rate of \$2.31 per hour, and for 8 hours Monday, July 14 and Tuesday, July 15, and for each Saturday and Sunday, and for each Monday and Tuesday thereafter until position restored."

OPINION OF BOARD:

Claims here are made by employees named, for all dates as stated in the claim, for a period continuing from July 11, 1958 to approximately March 29, 1960, when Carrier abolished all passenger trains in or out of Fort Smith, Arkansas.

The Organization contends the position allegedly abolished by Carrier constitutes a violation of the provisions of the Agreement between the parties when it abolished a telegrapher position and assigned a portion of the work remaining to employees of another craft. Effective July 10, 1958, the Carrier abolished the second shift telegrapher-clerk position, assigned hours 2:30 P.M. to 10:30 P.M., and reassigned the hours of the first shift telegrapher-clerk position, 6:30 A. M. to 2:30 P.M., to 8:30 A.M. to 5:30 P.M. Thereafter, all telegraphic duties performed at Fort Smith were assigned to and performed by the remaining telegrapher-clerk position. Concurrently, the Carrier established a ticket clerk position, assigned hour 11:00 A.M. to 8:00 P.M., and the clerical duties here complained of were thereafter performed by said ticket clerk position.

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Carrier contends such remaining work as involved here is not exclusive work belonging to the Organization as alleged.

It is interesting to note in the record that the Organization admits that during the period of World War II Carrier employed additional clerks to perform such clerical work as is involved here; that when the work declined, following the war, the clerks were relieved and the work ebbed back to the Telegraphers. Nothing is shown in the record that the Organization made any claims for work performed during the war period, on the contention such work belonged exclusively to the Organization.

Such contention as here before us, by the Organization, shows in itself that the Organization by its own action during the war years, by making no claims, thoroughly understood such work was not exclusively that as belonging to it.

The record fails in all respects to support the claims as made.

FINDINGS: Carrier did not violate the Agreement.

AWARD

Claims denied.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

/s/ R. K. Anthis
R. K. Anthis - Organization Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
June 3, 1960

File 380-1895