

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS)
)
)
NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT)
(except Boston and Albany Division) and)
NEW YORK DISTRICT)

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the Telegraphers' Agreement when, on October 23, 1959, it unilaterally discontinued the position of telephoner at SS-GW (Keating, Pennsylvania) as the work was not abolished in fact but remained to be performed.
2. The Carrier violated the provisions of the Telegraphers' Agreement by permitting or requiring employees on another railroad and train service employees to perform the work of this position commencing October 23, 1959.
3. The work shall be restored to the Telegraphers' Agreement at SS-GW and Mr. W. E. Lininger, who was the regular assigned incumbent and who was improperly removed from the position at the time it was improperly discontinued on October 23, 1959, shall be restored to this position and paid for all loss of wages, plus travel and waiting time and other necessary expenses that were incurred, and all other employees who may have been adversely affected as a result of this improper action on the part of the Carrier, shall likewise be compensated.

OPINION OF BOARD:

Under the facts of this case the claim must be sustained, but only for the straight time wage loss incurred, for the period from 3:30 P.M. on October 23, 1959 (when Claimant Lininger's telephoner position at SS-GW was abolished and the signal station was closed) until March 21, 1960. During this period Signal Stations GW and CT were not within the same yard limits per the timetable. These two stations had been within the same yard limits for many years prior to October 23, 1959, however, and were operated on a basis equivalent to common (single) carrier ownership. Since the previously existing yard limits at this location were properly restored effective March 21, 1960, there is no basis for the subject claim subsequent to that date.

AWARD:

Claim sustained to the extent of reimbursement of Claimant Lininger for straight time wages lost (5 days per week, 8 hours per day) for the period beginning as of the closing of SS-GW in October 1959 until, but not including, March 21, 1960. Claim denied for the period beginning March 21, 1960.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Chairman

/s/ L. Faulds
L. Faulds, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member