

Award #5
Case #5
ORT #3082

SPECIAL BOARD OF ADJUSTMENT NO. 525

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DENVER AND RIO GRANDE WESTERN RAILROAD

STATEMENT OF CLAIM:

1. The Carrier violated the Agreement between the parties hereto, when effective at the close of shift on July 22, 1959, it improperly declared abolished the Agent's position at Trinidad, Colorado, without in fact abolishing the work thereof, and thereafter required employees not covered by said Agreement to perform the work of the purportedly abolished position.
2. a) The Carrier shall, because of the violation set out above, restore L. J. Stuart, the regularly assigned Agent at Trinidad at the time of its purported abolishment to the position, from which he was improperly removed, and,

b) Compensate L. J. Stuart, for any wage loss and expenses incurred by reason of said improper abolishment, and
3. The Carrier shall, in addition to the foregoing, compensate each and every employee who was displaced from his position as a result of the Carrier's violative act, an amount equivalent to that which the employee would have earned on his position, in addition to expenses incurred by reason of said abolishment, and
4. The Carrier shall, in lieu of Item 3, pay to the senior idle telegrapher, extra in preference, a day's pay at the rate of the purportedly abolished position on such day or days on which Claimant L. J. Stuart suffers no monetary loss directly attributable to the Carrier's violative act.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds that:

The Carrier and the Employee and Employees involved in all of the disputes involved in this docket of cases are respectively carrier and employee

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within the meaning of the Railway Labor Act, as approved June 21, 1934, and as since amended.

This Board has jurisdiction over the disputes involved herein. The parties to said disputes were given due notice of hearing thereon.

SPECIFIC FINDINGS:

During the prolonged steel strike in 1959, Carrier obtained permission of the State Public Utilities Commission to close its agency at Trinidad, temporarily. It was re-opened four months later. The evidence shows that all agency work was transferred to Telegraph Agent at Walsenburg during the shutdown. Such work as remained was not substantial and the Carrier was within its rights in temporarily abolishing the position. The collection of cartage revenue is not exclusive work of a Telegrapher, although previously done by him.

AWARD

Claims denied.

/s/ J. Glenn Donaldson
J. Glenn Donaldson, Neutral Member
Chairman

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

/s/ J. W. Lovett
J. W. Lovett, Carrier Member

Denver, Colorado
November 20, 1963