

Under the
RAILWAY LABOR ACT
Special Board of Adjustment No. 226
Hearings April 9-30, 1958
Dallas, Texas
Award No. 20



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF ORT CLAIMS MSC 1-22:

1. That relay telegraphers' work at Parsons, Denison and Waco has been transferred from employes in the Relay Seniority District to employes of the Northern, North Texas and South Texas seniority districts, and others, with subsequent abolishment of positions in the Relay district; and
2. That the Carrier shall now be required by an appropriate order of the Board to pay these relay operators their original wages from the time their positions were so abolished until reinstated to their former positions; and
3. That the telegraphic work improperly removed from said offices shall be ordered restored in accordance with their seniority right to such work.

FINDINGS AND OPINION:

The reduction in force mentioned in the statement of claims are alleged to have been effected by the Carrier in February, 1957, at relay stations in Parsons, Denison, and Waco. In support of its claims the ORT states that "relay district telegraphic work" has been transferred "to road telegraphers or to employes not covered by the Agreement." It further contends that these reductions have resulted, directly, and indirectly, in the abolishment of many positions under the Agreement, "...all without regard to the Schedule Agreement, Rules 1, 2, 3, 4, 6, 7, 9, 15, 17, 26, 27 and Addendum No. 3.

The above enumerated rules relate to the following subjects:

Rule 1	Scope Rule
Rule 2	Vacancies and Assignments
Rule 3	Force Reduction
Rule 4	Seniority
Rule 6	New Positions
Rule 7	Position Classification
Rule 9	Hours of service
Rule 15	Clerical work
Rule 27	Relay service
Rule 26	The 40-hour week-rest days-Sundays-Holidays
Rule 27	Vacations

Addendum No. 3

In its concluding submission, the ORT states:

"Therefore, we respectfully request this Board to require the Carrier to pay these Operators who were cut off from the time their positions were abolished until restored to their positions, and resume their work in the Relay offices where it was formerly handled over a period of many years before its transfer to other Districts."

The Carrier opposes the claims on the ground that this Special Board has no authority to order it to re-establish the positions it abolished and recall the telegraphers, or to compensate the dismissed telegraphers for wages alleged to be owing them on account of wrongful abolishment of their positions. It cites and quotes from many Awards which support its position.

During the controversy about the reductions in force the parties conducted a joint check of the work performance and efficiency at the three relay offices in question. There was a conflict in the reports based on the checks. After describing at length its findings following the joint check of the three relay offices, the Carrier concluded:

"Our view of the findings of the investigation is that present forces are ample to conduct the company business at each offices and there is no need for additional forces."

We have searched the rules cited by the ORT but we do not find any restrictions against reductions in force to effect economies.

Rule 17 pertaining to Relay Service provides that,

"(d). In relay service an employe displaced either by force reduction or by a senior employe in his home office may, if qualified,...displace any junior in his home office....At the option of the employe, he may revert to the extra list....."

This rule recognizes that the Carrier may make reductions in force at relay offices and it does not place any restrictions on reductions.

Addendum No. 3 contains the following preamble:

"The following list of current positions is prepared for no other purpose than to indicate the rate to be paid an employe when any of these positions are in effect."

Relay positions, as well as all other ORT positions on the Carriers' lines, are named and rated in the Addendum. But the preamble of the rule is emphatic in its recognition that the rule is "for no other purpose than to indicate the rate to be paid an employe when any of these positions are in effect." It infers that positions may be abolished and that therefore some of the enumerated positions may not be in effect at some future time.

The Agreement does not support the request of the employes that the abolished positions be restored and that those who have been laid off be reemployed and compensated for lost time.

Numerous awards state the correct rule, namely, that abolishing ORT positions under the Telegraphers' Agreement is within the sole discretion of the Carrier. It is obligated to operate an efficient railroad business in the public interest. It has not limited that obligation in its Telegraphers' Agreement. We have no authority to restrict the Carriers' legal right or to thwart its efforts to rearrange its work for greater efficiency.

AWARD: Claim denied.

/s/ Daniel C. Rogers
Daniel C. Rogers, Chairman
Fayette, Missouri

/s/ W. I. Christopher
W. I. Christopher, Employee Member
Deputy President, O. R. T.
3860 Lindell Blvd.
St. Louis, 8, Missouri
Dallas, Texas
August 1, 1958

/s/ A. F. Winkel
A. F. Winkel, Carrier Member
Ass't General Manager
Missouri-Kansas-Texas Lines
Dallas, Texas