

SPECIAL BOARD OF ADJUSTMENT NO. 421

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

STATEMENT OF CLAIM:

1. Carrier violated the terms of the agreement between the parties when, at 12:00 Midnight, August 14, 1959, it removed Mr. W. L. Dante, Mr. J. Hrabovsky, Mr. T. B. Moseley and W. O. Trent from their positions, regularly assigned, in "GX" Office, and declared the positions as being abolished without abolishing the work in fact but requiring and/or permitting it to be performed each day by an unauthorized party.
2. Carrier shall compensate W. L. Dante, J. Hrabovsky, T. B. Moseley, and W. O. Trent, for any wage loss, plus any and all necessary expenses incurred as a result of this improper abolishment beginning with August 22, 1959, and continuing until the violation is properly corrected.
3. Carrier shall compensate the senior available idle employe, extra in preference, for 8 hours on each day of violation beginning with August 22, 1959, and continuing until the violation is corrected.
4. All adversely affected employes shall be compensated for any wage loss, including commissions and arbitrary allowances to which they might be entitled, plus any and all actual necessary expenses incurred as a result of the Carrier's action, beginning with August 22, 1959, and continuing until the violation is discontinued.
5. A joint check of carrier's records shall be ordered for the purpose of determining the names and amount due each employe involved in this claim.

OPINION OF BOARD:

The questions raised by the subject claim are to be fully determined, without prejudice or precedent for either party, on the following basis:

A seven-day position covered by the Telegraphers' Agreement is to be established at the location formerly known as "GX" Office. The regular incumbent of this question is to be so assigned five days per week. The parties are to confer for the purpose of providing relief for this position. Claimant T. B. Moseley is to be compensated in the amount of the wage loss suffered as a result of the abolishment of his former "GX" Office position (i.e., the difference in rate of pay between his former "GX" Office position and the position to which he moved following the subject abolishment). This compensation for Claimant Moseley is to cover the period from August 22, 1959 to, but not including, the date that the above-described seven-day position at "GX" Office is filled.

AWARD: The award is as stated in the above Opinion of Board.

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

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

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