

Award No. 9
Case No. TCU-15-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Transportation-Communication Employees Union
TO) and
DISPUTE:) Midland Valley Railroad Company

QUESTIONS
AT ISSUE:

1. Does the transferring of any work performed by employees covered by the Telegraphers' Agreement to employees not covered by that Agreement constitute a violation of Article III, Section 1?
2. Did Carrier violate the Agreement when it moved work performed by an employee covered by the Telegraphers' Agreement from one point to another without first following the procedure set forth in Article III, Sections 1 and 2 or 3?

OPINION OF BOARD: Effective May 28, 1965 the Carrier abolished the telegrapher-clerk position at Wichita, Kansas and the remaining duties of that position were transferred to employees of the Missouri Pacific Railroad Company at that point. The questions posed to the Board by the Employees ask whether this action of the Carrier violated Article III of the February 7, 1965 Mediation Agreement.

Article VII, Section 3 of said Agreement requires us to confine our decisions strictly to the questions specifically submitted to us. It is undisputed that the work here involved was transferred from one carrier to another. Article III of the Agreement permits a carrier to transfer work throughout its system, subject to stated conditions. The Article is not applicable where, as here, an inter-carrier transfer of work occurred.

AWARD

The answer to Questions 1 and 2 is "No".

REFEREES:

Henry N. Bowen
William McKim

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REFEREES: - Continued -

David Solnick

Washington, D. C. - December 19, 1967