

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railway, Airline and Steamship Clerks,
TO) Freight Handlers, Express and Station Employees
DISPUTE) and
Illinois Terminal Railroad Company

QUESTIONS

- AT ISSUE: (1) Did the Carrier violate the Implementing Agreement of March 5, 1965, particularly that paragraph reading 'Incumbents on the nine (9) abolished positions may take separation pay or have prior rights in bidding on the five (5) new positions and their seniority standing in Districts 3, 4 and 5 will determine their rights in applying for the new positions listed above,' (Emphasis added) when it refused to pay Messrs. H. W. Schlag and H. H. Makepeace separation pay which they requested?
- (2) Shall the Carrier now be required to pay Messrs. Schlag and Makepeace separation pay in the amount of 360 days times their rate of pay of the position held on March 31, 1965?

OPINION
OF BOARD:

On March 5, 1965, the parties herein executed an Implementing Agreement which provided that the Carrier would be allowed to abolish nine positions and establish five new positions to be located in St. Louis. The said Agreement also provided that the "(I)ncumbents on the nine abolished positions may take separation pay..." In addition, the last sentence of the Implementing Agreement contains the following: "The provisions of Article 5 as to election is not disturbed by any provision of this agreement." Furthermore, Article V of The National Agreement provides that an election must be exercised within seven calendar days.

In our considered opinion, both the Implementing Agreement and the February 7, 1965 National Agreement are required to be read together. Thus, the Implementing Agreement grants the covered employee the right to take separation pay. However, such right must be exercised within the seven day period.

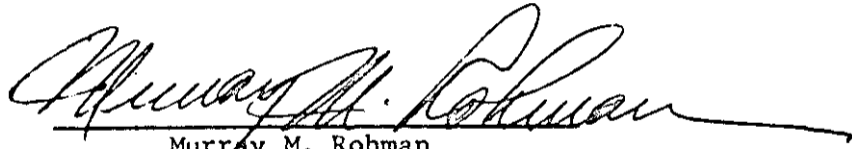
In view of the statement by the parties that the claim of H. W. Schlag has been settled on the property and withdrawn, therefore, the instant analysis is applicable only to the claim of H. H. Makepeace.

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Award

Questions No. 1 and No. 2 are answered in the negative.


Murray M. Rohman
Neutral Member

Dated: Washington, D. C.
January 24, 1969

