

H. C. CROTTY
PRESIDENT

B. L. SORAH, JR.
SECRETARY-TREASURER

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AFFILIATED WITH THE A.F.L.-C.I.O. AND C.L.C.

GRAND LODGE

12050 WOODWARD AVE., DETROIT, MICHIGAN 48203

OFFICE OF
PRESIDENT



March 24, 1972

FILE SBA #605
Awards 284-291

Mr. J. J. Berta
704-06 Consumers Building
220 South State Street
Chicago, Illinois 60604

Dear Sir and Brother:

For your information, I enclose a copy
of Awards No. 284 through 291, rendered by Referee
Friedman.

With best wishes, I am

Sincerely and fraternally yours,

H. C. Crotty
President

Enclosure



NATIONAL RAILWAY LABOR CONFERENCE

1225 CONNECTICUT AVENUE, N.W., WASHINGTON, D. C. 20036/AREA CODE: 202-659-9320

WILLIAM H. DEMPSEY, Chairman M. E. PARKS, Vice Chairman W. S. MACGILL, Assistant to Chairman
JAMES A. WILCOX, General Counsel H. E. GREER, Director of Research J. F. GRIFFIN, Administrative Secretary

March 20, 1972

Mr. Milton Friedman
850 - 7th Avenue
New York, New York 10019

Dr. Murray M. Rohman
Professor of Industrial Relations
Texas Christian University
Fort Worth, Texas 76129

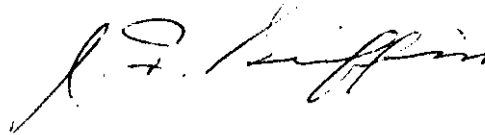
Mr. Nicholas H. Zumas
1225 - 19th Street, N. W.
Washington, D. C. 20036

Gentlemen:

This will supplement our previous letters with which we forwarded to you copies of Awards of Special Board of Adjustment No. 605 established by Article VII of the February 7, 1965 Agreement.

There are attached copies of Awards Nos. 284 to 291 inclusive, dated March 17, 1972, rendered by Special Board of Adjustment No. 605.

Yours very truly,



cc: Messrs.

G. E. Leighty
C. L. Dennis (2)
F. T. Lynch (2)
C. J. Chamberlain (2)
M. B. Frye
H. C. Crotty
✓ J. J. Berta
S. Z. Placksin (2)
R. W. Smith
T. A. Tracy (3)
W. S. Macgill
M. E. Parks
J. E. Carlisle
W. F. Euker
T. F. Strunck

AWARD NO. 284
Case No. TCU-40-E

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) PENN CENTRAL COMPANY
TO THE) and
DISPUTE) TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

QUESTIONS

- AT ISSUE:
1. Did Carrier violate the Agreement when it abolished the position of Agent at Eldred, Pennsylvania and combined the work of said position with that of Supervisory Agent at Port Allegheny, Pennsylvania without first following the procedure set forth in Article III, Sections 1 and 2 or 3?
 2. If the answer to the above is in the affirmative, shall Carrier be required to negotiate an implementing agreement with the Organization to provide for the desired change, or, in the alternative, to restore each position to the status existing prior to the time Carrier abolished the position at Eldred and combined the work thereof with that of the Supervisory Agent at Port Allegheny?

OPINION

OF BOARD: On the property the claim which was progressed contended that Carrier effected a change in the duties of the Agent's position at Port Allegheny, sought negotiations to increase the rate of the position, and asked that a change be made in the position's job requirements. No claim had been introduced alleging a violation of the February 7 Agreement. The only reference to which the Organization points is a statement in Carrier's letter of July 26, 1967, concerning the Organization's "verbal contention that the February 7, 1965, Agreement, and its interpretations, required an agreement before the action here in dispute could be taken..."

AWARD NO. 284
Case No. TCU-40-E

This claim was progressed as a violation of the schedule agreement throughout, not as a violation of the February 7 Agreement. It belongs solely before the Third Division and not before this Committee at all, in the absence of a specific claim citing a specific violation of a specific provision of the February 7 Agreement. Claims concerning increases in rates of pay and/or changes in job duties are not within the province of the Disputes Committee. In view of the way the claim has been handled, no evidence has been adduced on the property to support the allegation that Carrier violated the February 7 Agreement.

A W A R D

The answer to Question No. 1 is No; there has been no violation of the February 7, 1965 Agreement.



Milton Friedman
Neutral Member

Dated: Washington, D. C.
March /7, 1972