

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

WABASH RAILWAY COMPANY

(Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers)

STATEMENT OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on Wabash Railway that:

The work of transmitting and receiving messages and reports of record by telephone is work covered by telegraphers' agreement, and that the action of the Carrier in requiring or permitting clerks in the Traffic Department Quarters, Grain Exchange Building, Omaha, Neb., who are not under telegraphers' agreement, to receive and transmit messages and reports of record by telephone formerly handled by a telegrapher in 'RM' office located in the Traffic Department Quarters before the 'RM' telegraph office was abolished on April 15, 1933, is in violation of said agreement, and if the Carrier elects to continue the performance of such work in the Traffic Department Quarters, it shall be performed by an employe under telegraphers' agreement."

EMPLOYEES' STATEMENT OF FACTS: The position of telegrapher in "RM" office in the Traffic Department Quarters, Omaha, Neb., is covered by the agreement between the parties.

"Prior to April 15, 1933, the position was regularly assigned to work eight hours daily, except Sundays, from 8:00 A. M. to 5:00 P. M., with an hour out for meals. The duties of the position consisted of receiving and transmitting messages and reports of record for the Traffic Department and the Division passenger agent, and such clerical work connected with the Traffic Department as might be assigned.

"Effective April 15, 1933, the position of telegrapher in 'RM' office was discontinued and declared abolished by ex parte action of the Carrier, and all of the duties of the position except the communications service for the division passenger agent's office, were transferred to employes in the traffic department office who are not under telegraphers' agreement."

POSITION OF EMPLOYEES: "The telegraph position in the traffic department office, Omaha, Nebraska, prior to April 15, 1933, and for many years, designated as 'RM' telegraph office, was a regularly established position, open daily except Sundays 8:00 A. M. to 5:00 P. M.

"The duties of the position consisted of receiving and transmitting by telegraph, all of the communications service for the traffic department in which the position was located, all of the communications service for the division passenger agent's office, and the performance of such clerical work for the traffic department as might be assigned.

"On April 15, 1933, the telegraph position in 'RM' office was discontinued by the Carrier and, without conference and agreement with the Committee,

"When consideration is given to the fact that all of the work covered by the Telegraphers' Schedule, formerly performed by the telegraph operator in 'RM' telegraph office, is now performed by employees covered by that agreement, it is obvious that the request of the committee is without foundation.

"The contention of the committee should therefore be dismissed and the claim denied."

An agreement bearing date of October 16, 1927, is in effect between the parties.

OPINION OF BOARD: The practice of requiring or permitting clerks to handle messages and reports of record by telephone between East Switch Telegraph office and the Traffic office, or to mail them when the Traffic office is not open, is no different from the recognized practice in effect on this and practically every railroad, and is not in violation of the current agreement between the parties.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the manner in which messages are here handled does not constitute a violation of the current agreement between the parties.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1938.