

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Mortimer Stone, Referee

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
THE DELAWARE, LACKAWANNA & WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad that:

1. The Carrier violated the Scope Rule (Article 1) of the prevailing Telegraphers' Agreement, when, effective November 25, 1947, acting alone, it removed from the Agreement and from employes covered by said Agreement, the work of operating signals and switches by means of levers from a central point at Chenango Forks, N. Y., and transferred said operation to employes not covered by the Telegraphers' Agreement at Binghamton, N. Y.;
2. The work of operating the signals and switches at Chenango Forks by means of levers from a central point shall be restored to the Telegraphers' Agreement and be performed by employes covered by said Agreement; and
3. Pending the restoration of this work to the Telegraphers' Agreement and to employes covered by said Agreement, the Carrier shall pay a day's pay to the senior employes not working on each day on which such service is performed by the Telegraphers' Agreement.

EMPLOYES' STATEMENT OF FACTS: An Agreement by and between the parties, referred to herein as the Telegraphers' Agreement, bearing effective date of November 1, 1947, is in evidence; copies thereof are on file with the National Adjustment Board.

The Telegraphers' Agreement lists at Chenango Forks three "towerman" positions. The primary duty assigned to and performed by the incumbents of said positions, were the normal and regular duties of towermen or levermen (synonymous terms), viz., operating interlocked switches and/or signals by means of levers from a central point.

Effective November 25, 1947, pursuant to Carrier's Bulletin 92-R-8, the duties of operating interlocked switches and/or signals at Chenango Forks were transferred from employes within the Telegraphers' Agreement to employes outside of the Telegraphers' Agreement at Binghamton, to be operated by remote control or centralized traffic control.

The Organization protests the Carrier's right to remove the duties of operating interlocked switches and/or signals from the Scope of the Telegraphers' Agreement and followed with a money claim as a consequence of said removal. The Carrier denied the claim.

The Carrier denies that the Telegraphers have been deprived of any work which they are entitled to under the Agreement. The Carrier, therefore, respectfully submits that the claim be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This dispute involves the identical issue raised and disposed of in Award No. 4768.

Only the place of occurrence differs. It arises on the same property and our conclusion in that award must govern here.

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 the National Railroad Adjustment Board is without jurisdiction to determine the dispute.

AWARD

Claim remanded for negotiation.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 21st day of March, 1950.