

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Francis J. Robertson, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Chesapeake and Ohio Railway:

(1) That Carrier violated and continues to violate the Agreement between the parties, when commencing on the 7th day of June, 1949, and continuing thereafter, it failed and refused to assign work of handling remotely controlled, electrically operated switches and signals from a central point at Richmond, Virginia, such switches and signals being located at "DX" Cabin, Richmond, Virginia.

(2) That Carrier now be required to assign such work to Employees covered by the Telegraphers' Agreement, and that all Employees adversely affected by being deprived of such work, shall be compensated retroactively to June 7, 1949, at rate of pay for comparable positions, for each and every day and shift, such work is performed by employees not covered by the Telegraphers' Agreement.

EMPLOYEES' STATEMENT OF FACTS: There is in full force and effect a collective bargaining agreement between The Order of Railroad Telegraphers, hereinafter called Telegraphers or Employees, and The Chesapeake and Ohio Railway Company, hereinafter called Carrier. The Agreement in effect on June 7, 1949, was effective October 16, 1947, and a new agreement was entered into by and between the same parties on the 15th day of September, 1949. Both agreements are on file with this Board and by reference are included herein as though set out word for word.

The Agreements cover wages, hours and condition of employment for certain employees of Carrier covered by the Scope Rule of the Agreement.

The Carrier has considerable trackage within the city of Richmond, Virginia. Among other points is a place called "DX" Cabin, which is the entrance to Second Street Yard. In other words at this point tracks leave the two main lines permitting trains or switch engines to move from the main line into this yard. Diagram showing tracks and signals together with instructions to operating crews, prepared by Carrier, under date of June 3, 1949, effective June 7, 1949, is attached hereto marked Employees Exhibit 1, and is made a part hereof as though set out herein word for word.

and they admittedly have the sole right to issue train orders and direct train movements. Carried to conclusion, these conflicting contentions would require the Carrier to place two men, at every control Board; one to designate the signal button to be pressed and the other to press the button designated.

"Patently, the marvel of CTC types of centralized control and electrical operation was not contemplated in assigning the traditional duties to the two crafts. The new task of operating a control board in part unites and in greater part supplants the duties and positions formerly assigned to each. . . ." (Underscoring supplied).

It will be seen that the Referee in this case went further and stated that the conflicting contentions of the dispatchers and telegraphers would require the carrier to place two men at every control board; one to designate the signal button to be pressed and the other to press the button designated. Such a condition is certainly not contemplated by either agreement.

The Board, as shown above, has held consistently that the work of manning CTC machines is not work falling exclusively to either the Dispatchers or Telegraphers. The Board has, where there was a past practice of so doing, concurred in and upheld the division of the work as it has been made in the instant case, the only fair, equitable, and workable solution to the problem. Where the panel control board is located at a point where dispatchers are employed, it should be manned by dispatchers; where panel board is located in telegrapher's office, it should be manned by telegraphers.

The panel board in question in the instant case is located in the dispatcher's office and is manned by the dispatcher. Such assignment of work should not be disturbed.

* * * * *

In summation, the Carrier has shown conclusively:

- I—There is nothing in the Telegraphers' Agreement providing that the handling of CTC machines is exclusively Telegraphers' work, and
- II—The work in this case is properly assigned to Dispatchers in conformity with their rules and by custom and past practice on this property, as well as elsewhere in the railroad industry.

For these reasons, claim should be denied.

All data submitted have been discussed in conference or by correspondence between the parties in the handling on the property.

(Exhibits not reproduced).

OPINION OF BOARD: Signals and switches controlling the entrance to Carrier's 2nd Street yard are operated by the Dispatcher's at Main Street Station from a panel board located in the Dispatcher's office and have been so operated since June 7, 1949 with the installation of CTC operation. The work of operating the control instruments is claimed by the Telegraphers. Carrier contends, in effect, that the instruments are all part of the CTC operation which is contracted to the Dispatchers.

The same contentions are made by Carrier in this docket with respect to jurisdiction as were made in our recent Award 6799 and in Award 6812 decided this day. In this docket it appears that no notice was given to the Dispatchers Organization nor to the individual Dispatchers who are now performing the work in controversy. For the reasons given in those Awards, we find that the claim should be dismissed without prejudice.

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

The claim should be dismissed without prejudice for the reasons set forth in the foregoing Opinion of Board.

AWARD

Claim dismissed without prejudice in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 29th day of November, 1954.