

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Francis J. Robertson, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY—(Coast Lines)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atchison, Topeka and Santa Fe Railway System, that:

1. The Carrier violated the agreement between the parties when, beginning with June 1, 1951, it declined to allow incumbents of Telegrapher-Townmen positions at East Tower and Telephoner-Towermen positions at West Tower at Barstow, California, twenty minutes in which to eat during each shift of eight consecutive hours, and

2. The Carrier shall now be required to pay each of the incumbents of the said positions the equivalent of twenty-minutes pay at the rate of the position occupied for each day they have been denied twenty minutes in which to eat during their eight-hour shifts, and to continue until the violation is discontinued.

EMPLOYES' STATEMENT OF FACTS: An Agreement bearing effective date of June 1, 1951, between the parties to this dispute is in evidence.

At Barstow, California, the Carrier maintains towers at the east and west ends of the yards known as East and West towers respectively. Three shifts around-the-clock service is maintained at each of the towers. At East Tower three shifts of telegrapher-towermen and at West Tower three shifts of telephoner-towermen are employed. Regularly assigned relief employees, for the purpose of performing rest day relief service, are also assigned at each of the towers. All of these employees come under the Telegraphers' Agreement.

Page 80 of the Agreement between the parties shows the following:

Barstow East Tower...Telegrapher-Towerman (3)..(L)..1.805
West Tower...Telephoner-Towerman (3)..(L)..1.78

At both towers the employees are assigned by shifts of eight consecutive hours and there is only one employe on duty at each tower at any given time during the twenty-four hour period. Switch engines operate in the yards during the entire twenty-four hours of each day. The moves made by the switch engines require the towermen to line up switches and signals to permit the necessary operations.

See also Awards 4250, 4763, 5517, 5703, 5977 and others.

In conclusion, the Carrier repeats that the Employees' claim in the instant dispute is not only wholly without schedule support or merit, but is furthermore a clear attempt to obtain by Board award a payment which the Employees were unable to obtain in negotiation of the current Agreement with the Carrier, and should be denied in its entirety for reasons which have been stated hereinabove.

The Carrier is uninformed as to the arguments the Organization will advance in its ex parte submission and accordingly reserves the right to submit such additional facts, evidence and argument as it may conclude are necessary in reply to the Organization's ex parte submission or any subsequent oral argument or briefs presented by the Organization in this dispute.

All that is herein contained has been both known and available to the Employees on their representatives.

(Exhibits not Reproduced)

OPINION OF BOARD: Except for the location of the tower involved; the facts, the applicable rule and the contentions of the parties in this docket are practically identical with those involved in Award 6314.

For the reasons stated in our Opinion and Findings in that Award we find that this claim should be sustained.

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 Carrier violated the Agreement.

AWARD

Claim sustained.

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.