

Award No. 7180

Docket No. TE-7242

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

H. Raymond Cluster, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN PACIFIC COMPANY (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company (Pacific Lines) that

1. The Carrier violated the provisions of the current agreement between the parties when on March 14 and 19, 1952, it required or permitted the Assistant Superintendent of Communications, an employe not covered by said Agreement, and the Manager of "BD" office who is not classified as a Wirechief, to perform the routine duties of a wirechief in "BD" General Telegraph Office, San Francisco, California.

2. That Mr. R. W. Wolfe, extra Wirechief, Mr. Rex L. Hiatt, regularly assigned Assistant Wirechief-Mechanician, who were both available for duty and not used on March 14, 1952, and W. E. Martin, regularly assigned Wirechief, who was available for duty and not used on March 19, 1952, shall now be paid the equivalent of 8 hours' compensation at the rate covering the position of Wirechief "BD" General Telegraph Office, San Francisco, California.

EMPLOYEES' STATEMENT OF FACTS: There is now, and was at all times since the very first, in full force and effect, a collective bargaining agreement, between the parties, hereinafter referred to as the Telegraphers' Agreement. The agreement bears the date of December 1, 1944 (reprinted March 1, 1951) including revisions. Copies of this agreement and amendments are on file with this Board and are, by reference, included in this submission the same as though set out herein word for word.

The dispute involves interpretation of the agreement and was handled on the property as prescribed by the Railway Labor Act, as amended, and in accordance with the usual handling of grievances. The claim was denied by the Carrier following a decision of the top ranking official of the Carrier and is now properly submitted to your Board for adjudication.

On March 14 and March 19, 1952, due to an excessive amount of wire trouble in "BD" General Telegraph Office, San Francisco, additional help was needed in the class of service of wire chief; instead of calling out another qualified wire chief to assist the wire chief on duty, the Carrier required or permitted Mr. G. E. Moss, the Assistant Superintendent of Communications

OPINION OF BOARD: This claim is for eight hours' compensation for each of three wire chiefs. The claim is based upon the contention that on March 14, 1952 and March 19, 1952, due to storm conditions, there was an excessive amount of wire trouble in "BD" General Telegraph Office; and that instead of calling claimants to perform the additional work necessitated by these conditions, Carrier allowed certain supervisors to perform the work. Carrier maintains that the work performed by the supervisors on these dates was not wire chief work, but was part of their normal supervisory duties.

The issue here is the same as that presented in Award No. 7179 decided this date. We held in that case, after a discussion of the evidence, that Claimant failed to sustain the burden of proving a violation. The evidence presented here is substantially the same as that presented in Award No. 7179 and, for the reasons set forth in that award, requires a similar finding.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence finds and holds:

That the parties waived oral hearing thereon;

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 for the reasons set out in the Opinion the facts disclosed by the record do not warrant an affirmative award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 23rd day of November, 1955.