

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

A. Langley Coffey, Referee

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**THE NEW YORK CENTRAL RAILROAD, BUFFALO AND EAST**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central Railroad, (Buffalo and East), that the Carrier violated the provisions of the Agreement when,

1. It required E. J. Chiaradio, regularly assigned agent Bogota, N. J., to perform relief service on Sunday, May 10, 1953, at Little Ferry, N. J., and then refused to pay him travel and waiting time as provided for in Article 13 (b) of the Agreement, and

2. Carrier shall now be ordered to pay E. J. Chiaradio the equivalent of ten (10) hours and eleven (11) minutes at pro rata of the Little Ferry position which constitutes his travel and waiting time from his home station at Bogota, N. J., to Little Ferry, N. J., and return to Bogota.

**EMPLOYES' STATEMENT OF FACTS:** Mr. E. J. Chiaradio, the regularly assigned agent at Bogota, N. J., with assigned working hours 6:15 A. M. to 3:15 P. M., one hour for meal, and with Saturday and Sunday as regular rest days, was ordered by Carrier to go to Little Ferry, N. J., and work Sunday, May 10, 1953, on the first shift position 6:00 A. M. to 2:00 P. M. Little Ferry is approximately two miles from Bogota. Claimant does not own an automobile, and bus service being inadequate, passenger train service was the only alternative.

Using the Carrier's train service resulted in the following travel and waiting time:

|          |                                                                 |         |
|----------|-----------------------------------------------------------------|---------|
| May 9th  | Traveling Bogota to Little Ferry<br>Train No. 18                | 7"      |
|          | Waiting time Little Ferry, 9:43 P. M.<br>to 6:00 A. M. May 10th | 8' 17"  |
| May 10th | Waiting time Little Ferry, 2:00 P. M.<br>to 3:40 P. M.          | 1' 40"  |
|          | Traveling Little Ferry to Bogota Train No. 297                  | 7"      |
|          | Total traveling and waiting time                                | 10' 11" |

Proper timeslip was submitted to Chief Signalman at Weehawken, N. J., covering the ten hours and eleven minutes, and was denied. Handling with

regular employees will be subject to the provisions of Articles 3 and 14 when required to travel from place of regular employment to relief point and return and rail transportation is not available or is not reasonable.

The Employees have furnished no evidence to support the claim that Chiaradio actually used rail transportation which was certainly not reasonable instead of using either available and reasonable bus transportation or his private automobile.

For these reasons, the claim should be denied.

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No facts or arguments have been herein presented that have not been made known to the Employees.

**OPINION OF BOARD:** Without direction from the Carrier as to mode of travel or departure time, claimant traveled by rail a distance of approximately 2½ miles to cover a vacancy in the position of Telegrapher-Leverman at Little Ferry, N. J. from 6:00 o'clock A. M. to 2:00 o'clock P. M. Sunday, May 10, 1953.

He left Bogota on train 18 at 9:36 P. M. on May 9 and arrived at Little Ferry at 9:43 P. M. He spent 8 hours 17 minutes until 6:00 o'clock A. M. the next day. He was relieved at 2:00 o'clock P. M. the same day and waited 1 hour 40 minutes to return to Bogota on train 297 consuming 7 minutes travel time.

Claim is for 10 hours 11 minutes for waiting and traveling time allegedly required to cover the vacancy in question.

The rule at issue serves for compensating regularly assigned employees in accordance with requirements for protecting service on other than the regular positions when same involves travel. In the absence of any direction or authority on which the employee can rely, the rule is subject to the construction and interpretation that the employee, in whom the Carrier places its trust in arranging for transportation, will not be guilty of an abuse of discretion, but will protect himself against unnecessary delays and Carrier against extraordinary travel time and expense. On the record before us claimant has not measured up to his responsibility.

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

That the parties to this dispute waived oral hearing thereon;

That the Carrier and the Employee involved in this dispute are respectively carrier and employee 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 Agreement was not violated.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon  
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of April, 1957.