

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

NORFOLK SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk Southern Railway that:

1. The Carrier violated the Telegraphers' Agreement when and because it permitted and/or required employes other than those covered by the Agreement to handle (copy and deliver) the following train orders when no emergency existed:

Date	Order No.	Train No.	Station	Time	Copied By
Jan. 23, 1957	99	49	Parkwood	429p	Cox
May 27, 1957	43	49	Parkwood	355p	Cox
Jan. 24, 1957	32	42	Walstonburg	846a	Spell
Feb. 12, 1957	30	63	Walstonburg	908a	Spell
Feb. 13, 1957	46	44	Knightdale	1102a	Flowers
Feb. 27, 1957	47	X1501	McCullers	906a	Byrd
Mar. 5, 1957	49	X1507	McCullers	1142a	Lewis
Mar. 7, 1957	49	X1505	McCullers	1215p	Lewis
Mar. 7, 1957	57	X1505	McCullers	245p	Lewis
Mar. 7, 1957	63	X1505	McCullers	501p	Lewis
Mar. 8, 1957	47	X1508	McCullers	1226p	Lewis
Mar. 11, 1957	49	X1610	McCullers	1243p	Lewis
Mar. 12, 1957	51	X1604	McCullers	1208p	Lewis
Mar. 12, 1957	73	X1604	McCullers	437p	Lewis
Mar. 13, 1957	51	X1607	McCullers	1207p	Lewis
Mar. 14, 1957	49	X1507	McCullers	1215p	Watson
Apr. 24, 1957	49	X1509	McCullers	931a	Porter
Apr. 24, 1957	63	X1509	McCullers	1118a	Porter
Apr. 30, 1957	51	X1506	McCullers	1050a	Byrd
May 7, 1957	59	X1501	McCullers	1159a	Byrd
May 9, 1957	53	X1501	McCullers	1158a	Byrd
May 10, 1957	49	X1501	McCullers	1132a	Byrd
May 13, 1957	45	X1609	McCullers	1115a	Byrd
May 13, 1957	55	X1609	McCullers	152p	Byrd
Mar. 1, 1957	53	X1502	Mile Post 245	1203p	Byrd
Mar. 6, 1957	49	X1506	Mile Post 245	1050a	Lewis
Mar. 6, 1957	65	X1506	Mile Post 245	346p	Lewis

Date	Order No.	Train No.	Station	Time	Copied By
Feb. 28, 1957	59	98	Carbonton	448p	Jeffries
Mar. 14, 1957	65	98	Carbonton	640p	Wallace
Mar. 8, 1957	57	49	Pyrax	402p	Cox
Feb. 11, 1957	66	X703	Edenton	230p	Oglesby
Mar. 22, 1957	65	X1507	South Durham	446p	Byrd
Mar. 21, 1957	75	X1507	Farrington	412p	Byrd
May 2, 1957	28	98	Hinson	616a	Spry
Mar. 15, 1957	38	X1606	Wilson Yard	1230p	Sadler
May 10, 1957	65	49	Carbonton		Cox
May 20, 1957	68	63	Eagle Rock	149p	Mims
May 20, 1957	68	X1612	Colonial Passing (Raleigh)	149p	Perry

2. As a consequence of said violations the Carrier shall now be required to compensate the senior, idle operator, extra in preference for a minimum day's pay of eight hours for each day the above train orders were so handled at each of the points specified.

3. The agent-operator's rate of pay shall be restored at Parkwood and Walstonburg effective January 23, and January 24, 1957, respectively, and to remain in effect until such time as the wires are removed in accordance with Memorandum of Agreement of May 20, 1937 and Article 13 (b) of the Telegraphers' Agreement.

4. The agent-operator's rate of pay shall be restored at Knightdale effective February 13, 1957 and to remain in effect until such time as the wires are removed in accordance with Memorandum of Agreement of May 20, 1937 and Article 13 (b) of the Telegraphers' Agreement.

5. The Carrier shall be required to compensate the senior, idle operator, extra in preference, for a minimum day's pay of eight hours for each day the telephone is retained at McCullers starting January 14, 1957, and continuing until such time as said telephone is removed as required by Memorandum of Agreement of May 20, 1937.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing was waived and under date of October 26, 1959, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November, 1959.