

Award No. 9454

Docket No. TE-8047

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William E. Grady, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

GULF, COLORADO AND SANTE FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Colorado and Santa Fe Railway; that

1. The Carrier violated and continues to violate the Agreement between the parties when, beginning on or about the dates and at the stations named below, it removed the work of transmitting and/or receiving telegraphic reports concerning movement of cars from employes covered by the Telegraphers' Agreement, and delegated the performance thereof to persons at the named stations who are not covered by said Agreement:

Dallas "Yard", Texas	October 1, 1953
Cleburne "Yard", Texas	October 1, 1953
Fort Worth "Yard", Texas	October 1, 1953
Gainesville "North Yard", Texas	October 5, 1953
Belleville Yard, Texas	November 9, 1953
Newgulf, Texas	November 9, 1953
Silsbee, Texas	November 9, 1953
Galveston "Yard", Texas	November 9, 1953
Sweetwater "Yard", Texas	November 9, 1953
Brownwood, Texas	November 15, 1953
Temple "Yard", Texas	November 15, 1953
Somerville, Texas	November 15, 1953

2. The Carrier shall restore the work in question to the scope of the Telegraphers' Agreement to be performed by employes covered thereby; and

3. For each and every eight hour shift that such telegraphic work is performed by means of printing telegraph machines located in yard offices at the stations named in 1 above, by employes not under the Agreement, the Carrier shall compensate the senior idle extra telegraph service employe, or employes, on the appropriate seniority district an amount equivalent to a day's pay at the rate applicable to each position; and if there be no such idle extra telegrapher, the Carrier shall compensate the senior telgraph service employe, or employes, idle on rest days an amount equivalent to a day's pay at the time and one-half rate of his position.

OPINION OF BOARD: The Organization's claim is that the Carrier has installed teletype machines and "removed the work of transmitting and/or receiving telegraphic reports concerning movement of cars" from employees covered by the Organization's Agreement with the Carrier and has assigned the work to others.

The same claim, except for difference in location and dates, was presented to the Board on three recent occasions and denied on the merits.

Docket TE-7855; Atchison, Topeka and Santa Fe Railway Co.; Carrier installed teletypes and "removed the work of transmitting and receiving wheel and switch list reports" from employees covered by the Organization's Agreement and assigned it to others. Claim denied in Award No. 8538 (1958).

Dockets TE-7924 and 7925; Atchison, Topeka and Santa Fe Railway Co; Carrier installed teletypes and "removed the work of transmitting and/or receiving wheel reports" from employees covered by the Organization's Agreement and assigned it to others. Claims denied in Awards No. 9005 and 9006 (1959).

The Organization contends that the prior adverse Awards were based on misapprehension of the issues and the facts.

We have examined the dockets of the prior disputes. There is no significant difference between the facts, the Agreements or the main lines of argument involved here, and those involved in the prior disputes.

The prior judgments were sound and well considered and for the reasons therein set forth, the claim will be denied.

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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 2nd day of June, 1960.