

Award No. 10493
Docket No. TE-8614

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION
(Supplemental)

Frank J. Dugan, 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. Carrier violated the provisions of the Agreement between the parties when it required or permitted employees of another class not covered by the scope of the Telegraphers' Agreement to transmit and receive communications of record by telephone at Brooklyn, Albany and Salem, Oregon on the following dates:

November 2, 16, 22, 23, 29, 30, 1954;

December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 21, 1954.

2. These duties and the work involved shall be assigned to and performed by employees covered by the Telegraphers' Agreement.

3. In consequence of the violations Carrier shall compensate the occupants of the third shift telegrapher-clerk positions at Brooklyn, Albany and Salem, for work denied, as listed in the Employees' Statement of Facts.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence, 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 your 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 its highest designated officer and is now submitted to your Board for adjudication.

On the dates shown in the Statement of Claim the Carrier required or permitted Round House Clerks located at Albany and Salem to transmit communications of record by telephone between the hours of 8:00 and 9:30

cannot be forecast by the carrier at this time and have not been answered in this, the carrier's initial submission.

(Exhibits not reproduced.)

OPINION OF BOARD: From a review of the record before us the question involved here was determined by this Board in Award No. 10492.

That Award is applicable here and for the reasons stated therein the claim is 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 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

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of March 1962.