

Award No. 10606

Docket No. TE-9145

NATIONAL RAILROAD ADJUSTMENT BOARD

**THIRD DIVISION
(Supplemental)**

David Dolnick, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SEABOARD AIR LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Seaboard Air Line Railroad, that:

1. Carrier violated the Telegraphers' Agreement when on the 25th day of October, 1955, it caused, required or permitted Trainmaster Durham to handle (receive, copy and deliver) train orders Numbers 92 and 99 at 6:43 P. M. and 7:36 P. M., respectively, addressed to an extra freight train at Sand Hill, Georgia.

2. Carrier shall compensate the senior idle telegrapher (extra in preference) for eight (8) hours, a basic day, at the minimum rate of Telegraphers on the Seniority District for October 25, 1955.

EMPLOYES' STATEMENT OF FACTS: There is in full force and effect a collective bargaining agreement entered into by and between the Seaboard Air Line Railroad, hereinafter referred to as Carrier or Management and The Order of Railroad Telegraphers, hereinafter referred to as Employes or Telegraphers. The Agreement was effective October 1, 1944, and has been amended. The Agreement, as amended, is on file with this Board and is, by reference, included herein as though set out word for word in this submission.

This dispute was handled in the usual manner through the highest officer designated by Carrier to handle such disputes and failed of adjustment. The dispute involves interpretation of the collective bargaining agreement and having been handled on the property in the usual manner through the highest officer and having failed of adjustment, is properly submitted to this Board under the provisions of the Railway Labor Act, as amended.

This dispute involves the handling of two train orders by an official (Trainmaster) at Sand Hill, Georgia at 6:43 P. M. and 7:36 P. M., October 25, 1955. There was no emergency and Employes contend that the Telegraphers Agreement was violated in permitting Trainmaster Durham to perform this work of telephone-operator. Compensation, equivalent to one day's pay, for senior idle telegrapher (extra in preference) is requested.

Since the claim, as filed by Employes' representative, contains all the facts, we set forth the claim verbatim:

on the property, it is further the position of the Carrier that this claim and all similar subsequent claims progressed to the Adjustment Board should be dismissed as not being properly presented to the Board, for the reasons set out above. See Third Division Award 5445, etc.

Carrier affirmatively states that all data used herein has been discussed with or is well known by the General Chairman of the petitioning organization.

(Exhibits not reproduced.)

OPINION OF THE BOARD: The issue in this claim is similar in every respect to the issue in Docket TE-9144. We have fully discussed the facts and applicable contract provisions in that Docket. No useful purpose will be served to repeat the reason for the Board's ruling that the claim is not valid and that Award 10442 (Gray) is applicable.

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 evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 Carrier did not violate the Agreement.

AWARD

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 7th day of May 1962.