

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION
(Supplemental)

Preston J. Moore, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY — COAST LINES**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atchison, Topeka & Santa Fe Railway System; that

1. The Carrier violated and continues to violate the Agreement between the parties when, beginning February 2, 1954, without conference or agreement it removed the work of transmitting interchange reports from the Telegraphers' Agreement and the employes covered thereby at Argentine, Kansas, and delegated its performance to persons not so covered; and
2. The Carrier shall restore said work to the scope of the Telegraphers' Agreement to be performed by employes covered thereby; and
3. For each and every eight hour shift said work is performed by employes outside the Agreement at Argentine, the Carrier shall compensate the senior idle extra telegraph service employe on the seniority district in an amount equivalent to a day's pay at the printer clerk rate applicable to the positions under the Agreement at "AY" Argentine, or, if there be no such idle extra telegraph service employe, then, the Carrier shall pay the senior regularly assigned telegraph service employe, idle on a rest day, a day's pay at the time and one-half rate of his position.

EMPLOYEES' STATEMENT OF FACTS: An Agreement between the parties bearing effective date of June 1, 1951, is in evidence.

In its yard office at Argentine — on the outskirts of Kansas City, Kansas, the Carrier maintains a relay telegraph office in which it employs a manager-wire chief and an average of some eight printer clerks in around the clock service. As indicated at page 90 of the Agreement all of these positions and the incumbents thereof are covered by said Agreement.

The Carrier is uninformed as to the arguments the organization will advance in its ex parte submission and accordingly reserves the right to submit such additional facts, evidence and argument as it may conclude are required in reply to the organization's ex parte submission or any subsequent oral argument or briefs presented by The Order of Railroad Telegraphers in this dispute.

All that is herein contained has been both known and available to the employees and their representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: This dispute is between The Order of Railroad Telegraphers and The Atchison, Topeka and Santa Fe Railway Company.

In 1954 the Carrier installed teletype machines in its yard offices at Argentine, Kansas. The Carrier assigned the operation of these machines to clerical employees. The teletype machines are connected to reperforators located in telegraph offices.

Petitioner alleges that this violates the Agreement because this work belongs exclusively to telegraphers.

Carrier contends "inter alia" that the facts do not support Petitioner's claim.

After careful examination of the Record, we find that the facts and circumstances are substantially the same as in four previous awards by this Board. (See Awards 8538 — Coburn, 9005, 9006 Dougherty, 9454 — Grady)

We find that the awards are in point, and therefore hold that Claimants have not established their exclusive right to perform the work in question, either through practice on the property or under the terms of the Agreement.

For the foregoing reasons the claim must 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 18th day of July 1962.