

Award No. 11512
Docket No. TE-10209

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur Stark, Referee

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. Article 1 and other rules of the Telegraphers Agreement were violated when and because the Carrier permitted or required:

(a) The section foreman at McCullers, N. C., to transmit a message from McCullers to Raleigh, N. C., by use of the dispatcher's telephone on January 14, 1957, and

(b) To transmit another message from McCullers to Raleigh, in the same manner, on January 25, 1957.

2. The senior idle operators, extra in preference, on January 14 and 25, 1957, respectively, shall be paid a day's pay because of such violations.

3. That the dispatcher's telephone shall be removed from McCullers as required by the (Chicago) Memorandum of Agreement dated May 20, 1937, or else an operator's position be re-established at that point, and until that is accomplished the senior idle operator, extra in preference, shall be paid a day's pay at the rate of \$1.966 per hour for each day the telephone is retained after January 14, 1957.

EMPLOYEES' STATEMENT OF FACTS: The basic agreement between the parties bears the effective date of August 1, 1937, with amendments from time to time thereafter. All references to the agreement will bear on rules or rates of pay currently effective unless otherwise noted.

McCullers, North Carolina, is situated on the Carrier's main line which extends southwardly from Norfolk, Virginia to Charlotte, North Carolina for a distance of approximately 386 miles. McCullers is approximately 240 miles from Norfolk.

McCullers is not listed in the current agreement. It was, however, listed in the previous agreement of December 16, 1926, as agent-operator at the rate of 55 cents per hour.

OPINION OF BOARD: The claim alleges a violation of the Agreement because the section foreman at McCullers, North Carolina, used telephone for the transmission of certain information as to cross-ties received and unloaded by the foreman.

The same issue between the same parties has previously been before the Division and decided in Awards 10825 and 10836. Those awards are governing in the present case, and the claim will be denied.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 14th day of June 1963.