

**Award No. 11717**  
**Docket No. TE-10172**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Levi M. Hall, Referee**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**NORTHERN PACIFIC RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Northern Pacific Railway, that:

1. Carrier violated the Agreement between the parties hereto when, on February 26, 1957, it caused, required or permitted Mr. Brown, a Signal Maintainer, to receive and copy (by use of telephone) train lineup No. 201 at St. Regis, Montana.
2. Carrier shall be required to compensate R. G. Drew, Agent-Telegrapher, St. Regis, Montana, for one call (2 hours at time and one-half rate) for violation occurring as set forth in paragraph 1.
3. Carrier violated the Agreement between the parties hereto when, on March 9, 1957, it caused, required, or permitted Mr. Lowe, a Section Foreman, to receive and copy (by use of telephone) train lineup No. 205 at Nine Mile, Montana.
4. Carrier shall be required to compensate H. E. Taplin, Agent-Telegrapher, Rivulet, Montana, for eight hours at the minimum regular Telegrapher-Telephoner rate for violation occurring as set forth in paragraph 3.

**EMPLOYES' STATEMENT OF FACTS:** There is in full force and effect a collective bargaining agreement entered into by and between Northern Pacific Railway Company, hereinafter referred to as Carrier or Management, and The Order of Railroad Telegraphers, hereinafter referred to as Employees or Telegraphers. The agreement is on file with this Division and is by reference made a part of this submission as though set out word for word.

The disputes submitted herein were handled separately on the property in the usual manner through the highest officer designated by management to handle such dispute and failed of adjustment. The disputes are under the provisions of the Railway Labor Act, as amended, submitted to this Division for award. The two separate disputes submitted herein involve the same substantive claim. It is the position of Employees that the Board has determined

All data in support of the Carrier's position in connection with this claim has been presented to the duly authorized representative of the employees, and is made a part of the particular question in dispute.

(Exhibits not reproduced.)

**OPINION OF BOARD:** There are two claims involved in this dispute which arises out of Claimant's contentions that employes other than those covered by the Telegraphers' Agreement copied train line-ups in violation of the Agreement.

In Award 9998, which followed in principle Awards 7344 and 7345, similar facts and the same issues were presented between the identical parties as represented here and that award is controlling in the current matter. These awards have been subsequently followed on this same property in Awards 10835, 11228, 11399 and 11400.

For the foregoing reason we find the Agreement was violated.

In the matter of reparation Rule 51 of the Agreement, effective April 1, 1956, will apply to these claims.

**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 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 Agreement has been violated.

#### AWARD

Claims sustained as per opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 5th day of September 1963.