

**Award No. 11808**

**Docket No. TE-10697**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

(Supplemental)

Kieran P. O'Gallagher, Referee

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago, Burlington and Quincy Railroad, that:

1. Carrier violated the agreement between the parties, when on August 24, 1957, it required or permitted an employe not covered by the agreement to transmit a message from Daytons Bluff Roundhouse direct to the train dispatcher at Aurora, Illinois.

2. Carrier shall compensate the senior idle employe, extra in preference, on the seniority district, in the amount of a day's pay on August 24, 1957.

**EMPLOYEES STATEMENT OF FACTS:** The agreements between the parties are available to your Board and by this reference are made a part hereof.

The St. Paul, Minnesota freight yard of this Carrier is located at Daytons Bluff approximately two miles south of the St. Paul Union Station. Oakland Tower is located at the south edge of Daytons Bluff Yard. There are positions under the Telegraphers' Agreement at St. Paul Union Station, Daytons Bluff and Oakland Tower.

In connection with the yard facilities at Daytons Bluff the Carrier maintains a round house. Among other positions in different classes and crafts there is a position of Round House Clerk at this round house which is under the Clerks' Agreement. At 7:40 A. M. on August 24, 1957, the Round House Clerk transmitted the following message relating to the equipment on Train No. 32, directly to the train dispatcher:

"On Q 32, GN 1268 has flat wheels 3 and 4, inch and one half to inch and three quarters rounding out

(signed) Blakely, Car Foreman."

There is no dispute between the parties as to the fact that the above information was conveyed by the round house clerk to the train dispatcher by use of the telephone on the train dispatchers' circuit.

(2) The telephone conversation here involved was not a communication of record, and it did not affect the movement of any train.

(3) Awards of the Third Division cited herein, have consistently held that telegraphers do not have the exclusive right to handle telephone communications of the type here involved.

If proper consideration is given the facts and circumstances here involved, there can be no decision except denial of the claim in its entirety.

\* \* \* \* \*

Carrier affirmatively asserts that all data herein and herewith submitted have previously been submitted to the Employes.

(Exhibits not reproduced).

**OPINION OF BOARD:** In their submission here the employes base their claim upon an alleged violation of the Scope Rule of the Telegraphers' Agreement by a round house clerk conveying by telephone to a dispatcher information relative to flat wheels on a car in Train No. 32 some time subsequent to the departure of the train from St. Paul. The Carrier admits that such a telephone conversation took place, but urges that the message telephoned by the Round House Clerk was merely informative; that no record of the conversation was made either by the Round House Clerk or the Dispatcher; and there is no proof that the Carrier required the message to be sent or the conversation to be recorded.

It is our considered judgment, based on the facts and a careful review of the awards cited, that the message complained of is not a message of record, as the phrase is commonly understood in railroad operation. Therefore we must conclude that the claim lacks the merit for a sustaining award and must 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 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 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 25th day of October, 1963.