

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

William N. Christian, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN RAILWAY COMPANY

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

1. Carrier violated the Scope Rule of the Telegraphers' Agreement when on March 5, 1957, it required or permitted Maintenance of Way Foreman L. T. Brown while at or near Gaffney, South Carolina to communicate direct with the Chief Dispatcher at Greenville, South Carolina and transmit a message of record by use of the telephone.

2. Carrier shall compensate Telegrapher J. E. Addington, the regular assigned Agent-Telegrapher at Gaffney, South Carolina, for one call (two hours and forty minutes) under Rule 10 at the time and one-half rate of his position for March 5, 1957.

EMPLOYES' STATEMENT OF FACTS: Mr. J. E. Addington is the regularly assigned agent-telegrapher at Gaffney, South Carolina. His regularly assigned hours are 8:00 A. M. to 5:00 P. M., with one hour off for lunch. His work week begins on Monday and his assigned rest days are Saturday and Sunday.

On Tuesday, March 5, 1957, Maintenance of Way Foreman L. T. Brown used the telephone at Gaffney, S.C., at 5:20 P. M., after Agent-Telegrapher Addington had gone off duty, to call the dispatcher. Maintenance of Way Foreman Brown sent the following message over the telephone:

"Gaffney, S.C., March 5, 1957

"JFA, CD, Greenville, S. C.

"Have all trains reduce speed to 20 miles per hour on northbound track between MP 438.5 and MP 437.5 from 7:01 A. M. to 3:30 P. M. on March 6th.

"/s/ L. T. Brown, M of W Foreman"

Carrier, not having seen the ORT's submission, reserves the right after doing so to reply thereto.

All evidence here submitted in support of Carrier's position is known to employe representatives.

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-10007, Award No. 11812. We adopt the opinion therein as determinative of the issues in this case.

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 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.