

Award No. 11816
Docket No. TE-10270

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 September 25, 1956 at approximately 5:11 P. M. it required or permitted Section Foreman Capps to communicate by telephone with the Dispatcher at Louisville, Kentucky, and the Telegrapher at Princeton, Indiana, and transmit a message of record from Birdseye, Indiana, after Agent-Telegrapher E. Mathers had closed his office for the day.

2. Carrier shall compensate E. Mathers, Agent-Telegrapher, Birdseye, Indiana, for one call (two hours and forty minutes) under Rule 10 at the time and one-half rate of his position for September 25, 1956.

EMPLOYEES' STATEMENT OF FACTS: Mr. E. Mathers is the regular assigned Agent-Telegrapher at Birdseye, Indiana. His regular 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, September 25, 1956, Section Foreman Capps used the telephone at Birdseye, Indiana at 6:15 P. M., after Agent-Telegrapher Mathers had gone off duty, to call the Dispatcher. The Dispatcher called the Telegrapher on at Princeton, Indiana and instructed the Telegrapher at Princeton to copy the message which Section Foreman Capps was about to send and relay it to the Chief Dispatcher's office by Morse wire. Section Foreman Capps then sent the following message over the telephone:

"Message

September 25, 1956
Birdseye, Indiana

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

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

(Exhibits not reproduced.)

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.