

Award No. 11883
Docket No. TE-10218

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

William N. Christian, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK, CHICAGO AND ST. LOUIS
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York, Chicago and St. Louis Railroad, that:

Claim No. 1

1. Carrier violated the Agreement between the parties when on July 11, 1956 at Dayton, Indiana, it required or permitted conductor of Work Extra Motor M5-6 to "OS" and transmit other transportation communications over the telephone outside the assigned hours of the agent at this location.

2. Carrier shall, because of the violation set forth above, compensate the agent at Dayton, Indiana a minimum call payment of two (2) hours in accordance with Rule 12 of the Agreement.

Claim No. 2

1. Carrier violated the Agreement between the parties when on September 6, 1956, it required or permitted the conductor on Work Extra Motor X-1700 to "OS" and transmit other transportation communications over the telephone outside the assigned hours of the agent at this location.

2. Carrier shall, because of the violation set forth above, compensate the agent at Dayton, Indiana a minimum call payment of two (2) hours in accordance with Rule 12 of the Agreement.

EMPLOYES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the parties to this dispute effective June 1, 1948, as amended.

At Page 64 of said Agreement is listed:

The two claims are identical in alleging a violation of the Scope Rule. The additional conversation in the one claim as recorded by the Employes does not change the claim nor the fact that the act of reporting in the clear in whatever form has never been exclusively reserved to telegraphers on this property.

These claims are in effect a request that your Board rewrite the present Scope Rule along lines more to the Employes' liking. That is not a function of this Board.

The claims are without merit and should be denied.

All that is contained herein is either known or available to the Employes and their representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-10217, Award No. 11882. 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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1963.