

Award No. 14028

Docket No. TE-13341

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)**

SOO LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Minneapolis, St. Paul and Sault Ste. Marie Railroad, that:

1. Carrier violated the Agreement between the parties when it required or permitted train service employes, persons not covered by the Agreement, to handle orders and messages of record as shown below.
2. Because of these violations Carrier shall compensate claimants shown below in the amounts specified for the dates involved.

Claim No. 1

Date of time claimed; November 1, 1960, by D. W. Markus, senior unassigned Telegrapher because the following messages of record were transmitted to and repeated by Conductor Train No. 32 at Byron, Wisconsin at 8:13 A. M.: "No. 32 may use main track between Byron and Marsh 8:13 A. M. until 9:30 A. M.," and at Marsh at 9:08 A. M.; "No. 32 may use main track between Marsh and Slinger 9:08 A. M. until 11:10 A. M."

Claim No. 2

Date of time claimed; November 2, 1960, by D. W. Markus, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Smet at 8:16 A. M. at Byron, Wisconsin; "No. 32 may use main track 8:16 A. M. until 10:40 A. M. between Byron and Marsh."

Time claimed 8 hours.

Claim No. 3

Date of time claimed; November 4, 1960, by G. L. Terczynski, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Eng. 2380 at 1:28 P. M. at Hamilton, Wisconsin; "Eng. 2380 may use main track between Byron and Shops Yard 1:28 P. M. until 2:45 P. M. protect against No. 33."

Time claimed 8 hours.

Claim No. 4

Date of time claimed; November 7, 1960, by J. H. Rouiller, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor of Eng. 2380 at 1:40 P. M. at Hamilton, Wisconsin; "Eng. 2380 may use main track between Shops Yard and Byron 1:40 P. M. until 2:30 P. M. protecting against No. 21."

Claim No. 7

Date of time claimed; November 16, 1960, by R. F. Porter, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at 8:29 A. M. at Marsh, Wisconsin; "No. 32 may use main track between Marsh and Slinger 8:29 A. M. until 10:01 A. M. protecting against No. 24."

Time claimed 8 hours.

Claim No. 8

Date of time claimed; November 15, 1960, by H. R. Kunst, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor of No. 32 at 7:40 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh 7:40 A. M. until 8:40 A. M. protecting against No. 24."

Time claimed 8 hours.

Claim No. 9

Date of time claimed; November 14, 1960, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, with assigned hours 8:00 A. M. to 5:00 P. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at 7:30 at Lomira, Wisconsin; "Train No. 32 may use main track between Byron and Marsh from 7:30 A. M. until 8:30 A. M."

Time claimed 2 hours at punitive overtime.

Claim No. 10

Date of time claimed; November 15, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, assigned hours 9:00 P. M. to

6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at 8:40 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh 7:40 A. M. until 8:40 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 11

Date of time claimed; November 16, 1960, by R. F. Porter, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at 8:29 A. M. at Marsh, Wisconsin; "No. 32 may use main track between Marsh and Slinger 8:29 A. M. until 10:01 A. M. protecting against No. 24."

Claim No. 12

Date of time claimed; November 16, 1960, R. F. Porter, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Train No. 33 at 2:20 P. M. at Rugby Junction, Wisconsin; "No. 33 may enter main track at Rugby Jct. and proceed to next signal."

Repeated by Conductor Straub. Time claimed 8 hours.

Claim No. 13

Date of time claimed; November 17, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, assigned hours 9:00 P. M. to 6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at 8:00 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh from 7 A. M. until 8:15 A. M."

Time claimed 2 hours at punitive time.

Claim No. 14

Date of time claimed; November 18, 1960, by C. T. Schultz, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Mengel of Train No. 31 at 11:10 A. M. at Marsh, Wisconsin; "No. 31 may use main track between Marsh and Byron 11:10 A. M. until 12:30 P. M."

Time claimed 8 hours.

Claim No. 15

Date of time claimed; November 18, 1960, by R. M. Schuette, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Scherer at Hamilton, Wisconsin at 1:59 P. M. at Hamilton, Wisconsin; "Engine 2103 may use main track between Shops Yard and Byron 1:59 P. M. until 3:01 P. M. protecting against No. 21."

Time claimed 8 hours.

Claim No. 16

Date of time claimed; November 18, 1960, by M. F. Simon, senior unassigned Telegrapher, because the following message of record was

transmitted to and repeated by head brakeman Train No. 33 at 11:00 A. M. at Rugby Junction, Wisconsin; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 17

Date of time claimed; November 20, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, assigned hours 9:00 P. M. to 6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor DeMaars Train No. 32 at 9:20 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Rugby Junction from 9:20 A. M. to 11:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 18

Date of time claimed; November 21, 1960, by F. A. Voit, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor DeMaars at 11:28 A. M. at Marsh, Wisconsin; "No. 31 may use main track between Marsh and Byron 11:28 A. M. until 12:01 P. M."

Time claimed 8 hours.

Claim No. 19

Date of time claimed; November 23, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, against hours 9:00 P. M. to 6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor Franson at 7:05 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh from 7:05 A. M. until 7:50 A. M."

Time claimed 2 hours punitive time.

Claim No. 20

Date of time claimed; December 12, 1960, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, assigned hours 8:00 A. M. to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor, Engine 2126 at 7:55 A. M. at Fond Du Lac, Wisconsin; "Engine 2126 may use main track between Shops Yard and Byron 7:55 A. M. until 12:01 P. M."

Time claimed 2 hours at punitive time.

Claim No. 21

Date of time claimed; December 13, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, assigned hours 9:00 P. M. to 6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor No. 32 at 7:25 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Rugby Junction 7:25 A. M. until 11:01 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 22

Date of time claimed; December 13, 1960, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, assigned hours 8:00 A. M. to 5:00 P. M. because the following message of record was transmitted to and repeated by Conductor No. 32 at 7:50 A. M. at Fond Du Lac, Wisconsin; "Engine 2363 may use main track between Shops Yard and Byron 7:50 A. M. until 12:01 P. M."

Time claimed 2 hours at punitive time.

Claim No. 23

Date of time claimed; December 14, 1960, by F. J. Willkom, assigned Telegrapher at Byron, Wisconsin, assigned hours 9:00 P. M. to 6:00 A. M. with one hour off for lunch, because the following message of record was transmitted to and repeated by Conductor No. 32 at 8:18 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh 8:18 A. M. until 9:20 P. M."

Time claimed 2 hours at punitive time.

Claim No. 24

Date of time claimed; December 15, 1960, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, assigned hours 8:00 A. M. to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor Extra 2363 at 7:50 A. M. at Fond Du Lac, Wisconsin; "Extra 2363 may use main track between Shops Yard and Byron from 7:50 A. M. until 11:15 A. M. protecting against No. 32."

Time claimed 2 hours at punitive time.

Claim No. 25

Date of time claimed; December 15, 1960, by Wm. F. Uhl, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Nelson of Train No. 32 at 9:10 A. M. at Marsh, Wisconsin; "No. 32 may use main track between Marsh and Slinger 9:10 A. M. until 10:15 A. M."

Time claimed 8 hours.

Claim No. 26

Date of time claimed; December 15, 1960, by R. M. Schuette, unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Nelson of Train No. 32 at 10:43 A. M. at Rugby Junction, Wisconsin; "No. 32 may use main track between Rugby Junction and Duplainville 10:43 A. M. until 12:15 P. M."

Time claimed 8 hours.

Claim No. 27

Date of time claimed; December 15, 1960, by Wm. F. Uhl, senior unassigned Telegrapher because the following message of record was

transmitted to and repeated by Conductor of Train No. 33 at Rugby Junction, Wisconsin at 11:00 A. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 28

Date of time claimed; December 16, 1960, by Wm. F. Uhl, senior unassigned Telegrapher because the following message of record was transmitted to and repeated by Conductor Train No. 31 at 1:31 P. M. at Spur 105, Wisconsin; "No. 31 may use main track between Duplainville and Rugby Junction 1:31 P. M. until 2:30 P. M. protecting against No. 21."

Time claimed 8 hours.

Claim No. 29

Date of time claimed; December 20, 1960, by Lynn Turner, Wau-paca, Wisconsin, observing rest day, because the following message of record was copied at P.D.C. Junction, Wisconsin, by Conductor Switch-Foreman Moore and repeated by him to the Dispatcher at 1:30 P. M.; "Eng. 2102 may use main track between P.D.C. Junction and Duplainville 1:30 P. M. until 2:15 P. M."

Time claimed 8 hours.

Claim No. 30

Date of time claimed; December 20, 1960, by G. L. Terczynski, senior unassigned Telegrapher, because the following messages of record were transmitted to and repeated by Conductors of the respective trains; at 9:44 A. M. Conductor No. 32; "No. 32 may use main track between Rugby Junction and Waukesha between 9:44 A. M. and 10:45 A. M.;" at 10:40 A. M. Conductor No. 31; "No. 31 may use main track between Duplainville and Rugby Junction 10:40 A. M. until 11:30 A. M." Both messages copied and repeated at Spur 105, Wisconsin.

Time claimed 8 hours.

Claim No. 31

Date of time claimed; December 21, 1960, by G. L. Terczynski, senior unassigned Telegrapher, because the following messages of record were transmitted to and repeated by Conductors of the respective trains; at 10:46 A. M. Conductor Nelson at Duplainville, Wisconsin; "No. 31 may use main track between Duplainville and Rugby Junction 10:45 A. M. until 11:30 A. M.;" by Conductor Franson at 12:30 P. M. at Spur 105, Wisconsin; "No. 32 may use main track between Rugby Junction and Duplainville 12:30 P. M. until 1:45 P. M."

Time claimed 8 hours.

Claim No. 32

Date of time claimed; December 22, 1960, by G. L. Terczynski, senior unassigned Telegrapher, because the following message of

record was transmitted to and repeated by Conductor Nelson of Train No. 32 at Marsh at 9:25 A. M.; "No. 32 may use main track between Marsh and Slinger 9:25 A. M. until 10:30 A. M."

Time claimed 8 hours.

Claim No. 33

Date of time claimed; December 26, 1960, by F. A. Voit, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Franson Train No. 32 at Byron, Wisconsin; "No. 32 may use main track between Byron and Slinger from 9:28 A. M. until 11:01 A. M." Copied and repeated at 9:28 A. M.

Time claimed 8 hours.

Claim No. 34

Date of time claimed; December 27, 1960, by N. Steffanus, assigned Telegrapher observing rest day, because the following messages of record were transmitted to and repeated by Conductors of the respective trains; at 8:31 A. M. at Rugby Junction, Wisconsin, Conductor Nelson, Train No. 32; "No. 32 may use main track between Rugby Junction and Duplainville 8:31 A. M. until 10:15 A. M."; at 4:11 P. M. by Conductor Engine 2363 at Byron, Wisconsin; "Engine 2363 may use main track protecting against switch engine working on rear of No. 29."; at 4:28 P. M. Conductor Engine 2102 at Waukesha; "Engine 2102 may use main track between P.D.C. Junction and Duplainville from 4:25 P. M. until 4:50 P. M."

Time claimed 8 hours.

Claim No. 35

Date of time claimed; December 27, 1960, by D. C. Vaughn, assigned Telegrapher observing rest day, because the following message of record was transmitted to and repeated by Conductor Train No. 33 at Rugby Junction, Wisconsin; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 36

Date of time claimed; December 28, 1960, by D. C. Vaughn, assigned Telegrapher, observing his rest day, because the following message was transmitted to and repeated by Conductor Train No. 32 at 7:45 A. M. at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh 7:45 A. M. until 8:45 A. M."

Time claimed 8 hours.

Claim No. 37

Date of time claimed; December 28, 1960, by Lynn Turner, assigned Telegrapher, observing his rest day, because the following

message of record was transmitted to and repeated by Conductor Train No. 33 at 12:28 P. M. at Rugby Junction, Wisconsin; "No. 33 may enter main track and proceed to next signal."

Time claimed 8 hours.

Claim No. 38

Date of time claimed; December 29, 1960, by A. E. Laabs, senior unassigned Telegrapher because the following messages of record were transmitted to and repeated by Conductors of the respective trains; by Conductor Train No. 32 at 7:43 at Byron, Wisconsin; "No. 32 may use main track between Byron and Marsh 7:45 A. M. until 7:55 A. M.; by Conductor Sherrer at 2:19 P. M. at Byron, Wisconsin; "Dispatcher this is Sherrer and Hamilton can we get more time on No. 33? Dispatcher 230 is about all; Sherrer—5 minutes; Dispatcher—that's all; Sherrer—we couldn't get down in 5 minutes—10 minutes would do it; Dispatcher well maybe we can strain it 235 and might stop them; Sherrer—otherwise we will be here a long time; Dispatcher—well we'll try it—Engine 2363 may use main track between shop's yard and Byron 2:19 P. M. until 2:35 P. M.; Sherrer repeats it; Dispatcher says OK." By Conductor Train No. 32 at Rugby Junction at 9:29 A. M.; "No. 32 may use main track between Rugby Junction and Duplainville 9:30 A. M. until 10:40 A. M." By Conductor Train No. 32 at Byron, Wisconsin, at 9:15 A. M.; "No. 32 may use main track between Byron and Marsh 9:15 A. M. until 10:45 A. M."

Time claimed 8 hours.

Claim No. 39

Date of time claimed; December 29, 1960, by E. C. Lund, assigned Telegrapher at Theresa, Wisconsin, hours 8:00 A. M. to 5:00 P. M. with one hour off for lunch, because the following message of record was handled at his station during his lunch hour; "Hello Dispatcher this is No. 31 Conductor Franson at Theresa, request track and time about 30 minutes; Dispatcher—all right Franson No. 31 may use main track between Marsh and Byron 12:08 P. M. until 12:50 P. M.; Franson repeated it at 12:08 P. M.; Dispatcher—OK."

Time claimed 1 hour at punitive time.

Claim No. 40

Date of time claimed; December 29, 1960, by A. J. Weiss, regular assigned Telegrapher at Alleton, Wisconsin, with hours 8:00 A. M. until 5:00 P. M. with one hour off for lunch because the following message of record was transmitted to and repeated by Conductor Train No. 31 at Allenton, Wisconsin, at 11:50 A. M., while the assigned Telegrapher, Wriss was gone to lunch; "No. 32 may use main track between Slinger and Marsh 11:51 A. M. until 12:15 P. M."

Time claimed 1 hour at punitive time.

Claim No. 41

Date of time claimed; December 30, 1960, by C. T. Schultz, assigned Telegrapher observing rest day, because the following mes-

sage of record was transmitted to and repeated by Conductor Train No. 31 at Spur 105, Wisconsin, at 10:41 A. M.; "No. 31 may use main track between Duplainville and Rugby Junction 10:41 A. M. until 11:20 A. M."

Time claimed 8 hours.

Claim No. 42

Date of time claimed; December 31, 1960, by A. A. Utegard, senior unassigned Telegrapher, because the following message of record at Spur 105, Wisconsin; "Hello Dispatcher this is No. 31 at Spur 105 can we get some track and time? Dispatcher — all right No. 31 may use main track between Duplainville and Rugby Junction from 10:39 A. M. No. 31 repeats it — this switch won't work here. Dispatcher — well I can't help you out Gene I don't have that one here. No. 31 — OK."

Time claimed 8 hours.

Claim No. 43

Date of time claimed; January 1, 1961, by A. A. Utegaard, senior unassigned Telegrapher because the following message of record was transmitted to and repeated by Conductor of Train No. 33 at Rugby Junction, Wisconsin, at 12:48 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 44

Date of time claimed; January 2, 1961, by D. L. Rapin, senior unassigned Telegrapher because the following message of record was transmitted to and repeated by Conductor No. 32 at Byron, Wisconsin, at 7:25 A. M.; "No. 32 may use main track Byron to Marsh 7:25 A. M. to 8:30 A. M."

Time claimed 8 hours.

Claim No. 45

Date of time claimed; January 3, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, but off duty, because the following message of record was transmitted to and repeated by Conductor Engine 2110 at Fond Du Lac, Wisconsin, at 7:37 A. M.; "Engine 2110 may use main track between Shop's Yard and Byron from 7:35 A. M. until 11:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 46

Date of time claimed; January 3, 1961, by D. L. Rapin, senior unassigned Telegrapher because the following message of record was transmitted to and repeated by Conductor Train No. 32 at Byron, Wisconsin, at 7:25 A. M.; "No. 32 may use main track between Byron and Marsh 7:25 A. M. until 8:30 A. M."

Time claimed 8 hours.

Claim No. 47

Date of time claimed; January 3, 1961, by L. E. Turner, Telegrapher observing his rest day, because the following messages of record were transmitted and repeated, to Conductor Franson Train No. 31 at Marsh, Wisconsin, and repeated by him at 11:35 A. M.: "No. 31 may use main track between Marsh and Byron 11:35 A. M. until 12:01 P. M.;" and to Conductor Nelson Train No. 32 at Sussex, Wisconsin, and repeated by him at 8:24 A. M.: "No. 32 may use main track between Rugby Junction and Duplainville 8:24 A. M. until 10:01 A. M."

Time claimed 8 hours.

Claim No. 48

Date of time claimed; January 4, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following messages of record were transmitted and repeated as follows; at Rugby Junction, Wisconsin, transmitted to and repeated by Conductor No. 33 at 12:20 P. M.; "No. 33 may enter main track at Rugby Junction and Proceed to next signal.;" at Byron, Wisconsin, transmitted to and repeated by Conductor Engine 2126 at 11:10 P. M.; "Engine 2126 may use main track between Byron and Shop's Yard including dual control switch east and Shop's Yard protecting against No. 21 11:10 P. M. until 12:10 A. M.;" at Marsh, Wisconsin, transmitted to and repeated by Conductor No. 31 at 11:32 A. M.; "No. 31 may use main track between Marsh and Byron 11:32 A. M. until 12:05 P. M.;" at Byron, Wisconsin, transmitted to and repeated by Conductor Franson Train No. 32 at 6:59 A. M.; "No. 32 may use main track between Byron and Marsh from 7 A. M. until 7:30 A. M."

Time claimed 8 hours.

Claim No. 49

Date of time claimed; January 5, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, but off duty, because the following message of record was transmitted to and repeated by Conductor Engine 2110 at Fond Du Lac, Wisconsin, at 7:38 A. M.; "Engine 2110 may use main track between Shop's Yard and Byron 7:35 A. M. until 11:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 50

Date of time claimed; January 6, 1961, by E. A. Spaulding, assigned Telegrapher, 8:00 A. M. to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:40 A. M.; "No. 32 may use main track between Byron and Marsh from 7:40 A. M. until 8:40 A. M."

Time claimed 2 hours at punitive time.

Claim No. 51

Date of time claimed; January 6, 1961, by L. G. Andreae, senior unassigned Telegrapher, because the following message of record was

transmitted to and repeated by Conductor Pagel Train No. 33 at Rugby Junction, Wisconsin, at 12:27 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to the next signal."

Time claimed 8 hours.

Claim No. 52

Date of time claimed; January 6, 1961, by D. C. Vaughn, assigned Telegrapher observing his rest day, because the following message of record was transmitted to and repeated by Conductor Franson Train No. 32 at Byron, Wisconsin, at 7:40 A. M.; "No. 32 may use main track between Byron and Marsh from 7:40 A. M. until 8:40 A. M."

Time claimed 8 hours.

Claim No. 53

Date of time claimed; January 9, 1961, by E. A. Spaulding, assigned Telegrapher 8:00 A. M. to 5:00 P. M. at Lomira, Wisconsin, because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin at 7:02 A. M.; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:55 A. M."

Time claimed 2 hours at punitive time.

Claim No. 54

Date of time claimed; January 9, 1961, by L. G. Andreae, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 32 at Marsh, Wisconsin, at 7:35 A. M.; "No. 32 may use main track between Marsh and Slinger 7:35 A. M. until 8:00 A. M."

Time claimed 8 hours.

Claim No. 55

Date of time claimed; January 9, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, 8:00 A. M. to 4:00 P. M., because the following message of record was transmitted to and repeated by Conductor Engine 2363 at Fond Du Lac, Wisconsin, at 7:30 A. M.; "Engine 2363 may use main track between Shop's Yard and Byron 7:30 A. M. until 11:30 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 56

Date of time claimed; January 10, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following messages of record were transmitted and repeated; to Conductor Train No. 32 and repeated by him at Marsh, Wisconsin, at 7:57 A. M.; "No. 32 may use main track between Marsh and Slinger from 7:56 A. M. until 9:30 A. M."; by Conductor No. 32 and repeated by him at Sussex, Wisconsin,

sin, at 9:54 A. M.; "No. 32 may use main track between Rugby Junction and Duplainville 9:45 A. M. until 11:05 A. M.;" to Conductor No. 32 and repeated by him at Rugby Junction, Wisconsin, at 8:39 A. M.; "No. 32 may use main track between Rugby Junction and Duplainville 8:39 A. M. until 10:15 A. M.;" to Conductor No. 32 and repeated by him at Byron, Wisconsin, at 7:23 A. M.; "No. 32 may use main track between Byron and Marsh 7:20 A. M. until 8:30 A. M.;" to Conductor Engine 2362 and repeated by him at Hamilton, Wisconsin, at 1:33 P. M.; "Engine 2362 may use main track between Shop's Yard and Byron 1:33 P. M. until 1:45 P. M. protecting against No. 33;" to Conductor Engine 2362 at Hamilton, Wisconsin, and repeated by him at 2:09 P. M.; "Engine 2362 may use main track between Shop's Yard and Byron 2:09 P. M. until 2:20 P. M. protecting against No. 21."

Time claimed 8 hours.

Claim No. 57

Date of time claimed; January 10, 1961, by L. E. Turner, assigned Telegrapher observing his rest day, because the following messages of record were transmitted and repeated as follows: to Conductor No. 32 at Rugby Junction, Wisconsin and repeated by him at 8:40 A. M.; "No. 32 may use main track between Rugby Junction and Duplainville 8:39 A. M. until 10:15 A. M.;" to Conductor No. 31 at Rugby Junction, and repeated by him at 1:43 P. M.; "No. 31 may use main track between Rugby Junction and Slinger 1:43 P. M. until 2:15 P. M."

Time claimed 8 hours.

Claim No. 58

Date of time claimed; January 11, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at Marsh, Wisconsin at 8:37 A. M.; "No. 32 may use main track between Marsh and Slinger 8:37 A. M. until 9:30 A. M."

Time claimed 8 hours.

Claim No. 58½

Date of time claimed; January 11, 1961, because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:39 A. M.; "No. 32 may use main track between Byron and Marsh from 7:40 A. M. until 8:40 A. M." Time claimed by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin from 8:00 A. M. to 5:00 P. M.

Time claimed 2 hours at punitive time.

Claim No. 59

Date of time claimed; January 12, 1961, by L. G. Andreae, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 31 at Marsh at 1:14 P. M.; "No. 31 may use main track between Marsh and Byron 1:15 P. M. until 1:45 P. M."

Time claimed 8 hours.

Claim No. 60

Date of time claimed; January 12, 1961, by R. M. Schuette, assigned Telegrapher observing rest day because the following message of record was transmitted to and repeated by Conductor Engine 2126 at Byron, Wisconsin, at 6:47 P. M.; "Engine 2126 may use main track between Byron and Shop's Yard including dual control switch east end of Shop's Yard protecting against No. 29 6:40 P. M. until 7:40 P. M."

Time claimed 8 hours.

Claim No. 61

Date of time claimed; January 13, 1961, by L. G. Andreae, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 31 at Marsh, Wisconsin, at 12:46 P. M.; "No. 31 may use main track between Marsh and Byron 12:46 P. M. until 1:30 P. M."

Time claimed 8 hours.

Claim No. 62

Date of time claimed; January 13, 1961, by C. T. Schultz, assigned Telegrapher observing rest day, because the following message of record was transmitted to and repeated by Conductor No. 31 at Spur 105, Wisconsin at 11:24 A. M.; "No. 31 may use main track between Duplainville and Rugby Junction, Wisconsin, 11:24 A. M. until 11:30 A. M. then proceed to next signal."

Time claimed 8 hours.

Claim No. 63

Date of time claimed; January 14, 1961, by D. L. Rapin, senior unassigned Telegrapher, because of the following conversation causing a message of record to be transmitted to and repeated by Conductor Franson Extra 2406 at Spur 105, Wisconsin, at 11:13 A. M.; "Franson: Hello dispatcher, this is the 2406 at Spur 105 requesting 20 minutes track and time. Dispatcher: All right extra 2406 west may use main track between Duplainville and Rugby Junction from 11:13 P. M. — Franson: you mean A. M., Dispatcher: that's right 11:13 A. M. until 11:35 A. M. Franson repeats it."

Claim No. 64

Date of time claimed; January 16, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 11:39 A. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 65

Date of time claimed; January 16, 1961, by E. A. Spaulding, assigned Telegrapher 8:00 A. M. to 5:00 P. M. at Lomira, Wisconsin,

because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:19 A. M.; "No. 32 may use main track between Byron and Marsh from 7:20 A. M. until 8:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 66

Date of time claimed; January 17, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 1:46 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 67

Date of time claimed; January 17, 1961, by A. J. Weis, assigned Telegrapher 7:30 A. M. to 4:30 P. M. at Allenton, Wisconsin, because the following message of record was transmitted to and repeated by Conductor No. 32 at Allenton, Wisconsin, at 7:20 A. M.; "No. 32 may use main track between Byron and Marsh 7:20 A. M. until 8:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 68

Date of time claimed; January 18, 1961, by D. L. Rapin, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 12:32 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 69

Date of time claimed; January 18, 1961, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, from 8:00 A. M. to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:44 A. M.; "No. 32 may use main track between Byron and Marsh 7:40 A. M. until 8:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 70

Date of time claimed; January 18, 1961, by D. L. Rapin, Senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 12:32 P. M.; "No. 33 may enter the main track at Rugby Junction and proceed to the next signal."

Time claimed 8 hours.

Claim No. 71

Date of time claimed; January 18, 1961, by H. R. Kunst, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 32 at Marsh, Wisconsin, at 8:28 A. M.; "No. 32 may use main track between Marsh and Slinger 8:28 A. M. until 9:30 A. M."

Time claimed 8 hours.

Claim No. 72

Date of time claimed; January 18, 1961, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, from 8:00 A. M. to 5:00 P. M.; because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:43 A. M.; "No. 32 may use main track between Byron and Marsh from 7:40 A. M. until 8:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 73

Date of time claimed; January 19, 1961, by E. C. Lund, assigned Telegrapher at Theresa, Wisconsin, because the following message of record was transmitted to and repeated by Conductor Smet of No. 31 at Theresa, Wisconsin at 12:16 P. M. while Telegrapher Lund was out to lunch during his assigned lunch period; "No. 31 may use main track between Marsh and Byron 12:16 P. M. until 1:01 P. M."

Time claimed 2 hours at punitive time.

Claim No. 74

Date of time claimed; January 19, 1961, by L. H. Bosley, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor Train No. 33 at Rugby Junction at 2:45 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 75

Date of time claimed; January 19, 1961, by M. F. Simon, assigned Telegrapher observing his rest day, because the following message of record was transmitted to and repeated by Conductor Train No. 32 at Marsh, Wisconsin, at 9:22 A. M.; "No. 32 may use main track between Marsh and Slinger 9:22 A. M. until 10:30 A. M."

Claim No. 76

Date of time claimed; January 19, 1961, by L. H. Bosley, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 32 at Byron, Wisconsin,

at 8:32 A. M.; "No. 32 may use main track between Byron and Marsh 8:32 A. M. until 9:30 A. M. protecting against No. 34."

Time claimed 8 hours.

Claim No. 77

Date of time claimed; January 20, 1961, because the following messages of record were handled — to Conductor No. 32 when it was transmitted and repeated by him at Marsh, Wisconsin, at 11:16 A. M.; "No. 31 may use main track between Marsh and Byron 11:16 A. M. until 12:01 P. M.;" and to Conductor No. 33 when it was transmitted to him and repeated by him at Rugby Junction, Wisconsin, at 2:07 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 78

Date of time claimed; January 20, 1961, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, 8:00 A. M., to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:23 A. M.; "No. 32 may use main track between Byron and Marsh from 7:20 A. M. until 7:55 A. M."

Time claimed 2 hours at punitive time.

Claim No. 79

Date of time claimed; January 23, 1961, by L. H. Bosley, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Brakeman Train No. 32 at East End Byron, Wisconsin, at 7:04 A. M.; "No. 32 may use main track between Byron and Marsh from 7:05 A. M. until 7:40 A. M."

Time claimed 8 hours.

Claim No. 80

Date of time claimed; January 23, 1961, by P. McNamara, Telegrapher observing rest day, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 12:38 P. M.; "No. 33 may enter main track and proceed to next signal."

Time claimed 8 hours.

Claim No. 81

Date of time claimed; January 23, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, hours 8:00 A. M. to 4:00 P. M., because the following message of record was transmitted to and repeated by Conductor Engine 2380 at Fond Du Lac, Wisconsin, at

7:45 A. M.; "Engine 2380 may use main track between Shop's Yard and Byron 7:45 A. M. until 11:30 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 82

Date of time claimed; January 23, 1961, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, 8:00 A. M. to 5:00 P. M. because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin at 7:40 A. M.; "No. 32 may use main track between Byron and Marsh 7:40 A. M. until 8:05 A. M."

Time claimed 2 hours at punitive time.

Claim No. 83

Date of time claimed; January 24, 1961, by A. L. Bogauda, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 11:46 A. M.; "No. 33 may enter main track and proceed to next signal."

Time claimed 8 hours.

Claim No. 84

Date of time claimed; January 24, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, hours 8:00 A. M. to 4:00 P. M., because the following message of record was transmitted to and repeated by Conductor Engine 2380 at Fond Du Lac, Wisconsin, at 7:20 A. M.; "Engine 2380 may use main track between Shop's Yard and Byron 7:20 A. M. until 11:30 A. M. protecting against No. 24."

Time claimed at 2 hours at punitive time.

Claim No. 85

Date of time claimed; January 24, 1961, by A. L. Bogauda, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 32 at Byron, Wisconsin, at 7:02 A. M.; "No. 32 may use main track between Byron and Marsh 7 A. M. until 7:40 A. M."

Time claimed 8 hours.

Claim No. 86

Date of time claimed; January 25, 1961, by D. W. Markus, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 12:38 P. M.; "No. 33 may enter main track and proceed to next signal."

Time claimed 8 hours.

Claim No. 87

Date of time claimed; January 26, 1961, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin from 8:00 A. M. to 5:00 P. M., because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:02 A. M.; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 8:40 A. M."

Time claimed 2 hours at punitive time.

Claim No. 88

Date of time claimed; January 27, 1961, by D. W. Markus, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 2:29 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to the next signal."

Time claimed 8 hours.

Claim No. 89

Date of time claimed; January 27, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, 8:00 A. M. to 4:00 P. M., because the following message of record was transmitted to and reported by Conductor Engine 2103 at Fond Du Lac, Wisconsin, at 7:20 A. M.; "Engine 2103 may use main track between East End of Shop's Yard and Byron 7:20 A. M. until 11:30 A. M. protecting against No. 32 and No. 24."

Time claimed 2 hours at punitive time.

Claim No. 90

Date of time claimed; January 30, 1961, by L. W. Husby, senior unassigned Telegrapher, because the following message of record was transmitted to and reported by Conductor No. 31 at Spur 105, Wisconsin, at 12:04 P. M.; "No. 31 may use main track between Duplainville and Rugby Junction 12:04 P. M. until 12:40 P. M."

Time claimed 8 hours.

Claim No. 91

Date of time claimed; January 30, 1961, by D. W. Markus, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 11:49 A. M.; "No. 33 may enter main track at Rugby Junction and proceed to the next signal."

Time claimed 8 hours.

Claim No. 92

Date of time claimed; January 30, 1961, by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, hours 8:00 A. M. to 5:00 P. M.,

because the following message of record was transmitted to and repeated by Conductor Engine 2380 at Fond Du Lac, Wisconsin, at 7:25 A. M.; "Engine 2380 may use main track between Shop's Yard and Byron 7:25 A. M. until 11:30 A. M."

Time claimed 2 hours at punitive time.

Claim No. 93

Date of time claimed; January 30, 1961, by D. L. Rapin, senior relief Telegrapher observing rest day, because the following message of record was transmitted to and repeated by Conductor No. 31 at Spur 105, Wisconsin, at 12:04 P. M.; "No. 31 may use main track between Duplainville and Rugby Junction 12:04 P. M. until 12:40 P. M."

Time claimed 8 hours.

Claim No. 93½

Date of time claimed; January 30, 1961, by N. F. Leary, assigned Telegrapher, 8:00 A. M. to 4:00 P. M. at Fond Du Lac, Wisconsin, because the following message of record was transmitted to and repeated by Conductor Engine 2380 at Fond Du Lac, Wisconsin, at 5:24 P. M.; "Engine 2380 may use main track between Byron and Shop's Yard from 5:23 P. M. until 6:05 P. M."

Time claimed 2 hours at punitive time.

Claim No. 94

Date of time claimed; January 31, 1961, by N. F. Leary, assigned Telegrapher, 8:00 A. M. to 5:00 P. M. at Fond Du Lac, Wisconsin, because the following message of record was transmitted to and repeated by Conductor Engine 2125 at Fond Du Lac, Wisconsin, at 7:15 A. M.; "Engine 2125 may use main track between Shop's Yard and Byron 7:15 A. M. until 11:30 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 95

Date of time claimed; January 31, 1961, by L. W. Husby, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 1:57 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 95½

Date of time claimed, January 31, 1961, by E. A. Spaulding, assigned Telegrapher 8:00 A. M. to 5:00 P. M. at Lomira, Wisconsin because the following message of record was transmitted to and repeated by Conductor No. 32 at Lomira, Wisconsin, at 7:06 A. M.;

"No. 32 may use main track between Byron and Marsh 7:05 A. M. until 7:35 A. M."

Time claimed 2 hours at time and one half.

Claim No. 95 $\frac{1}{4}$

Date of time claimant; January 31, 1961, by L. W. Husby, senior unassigned Telegrapher, because the following message of record was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 2:05 P. M.; "No. 33 may use main — enter main track at Rugby Junction and proceed to next signal."

Time claimed 8 hours.

Claim No. 96

Date of time claimed; February 1, 1961, by L. W. Husby, senior unassigned Telegrapher, because of the following message of record handled by Conductor Sherer of Engine 2103 at Byron, Wisconsin; "Sherer — hello dispatcher, this is Engine 2103, need about one half hour." Dispatcher — "all right Engine 2103 may use main track between Shop's Yard and Byron 8:37 A. M." Sherer — "what time?" Dispatcher — "8:37 A. M. until 9:15 A. M." Sherer — repeats it at 8:37 A. M.

Time claimed 8 hours.

Claim No. 97

Date of time claimed; February 1, 1961, by A. L. Bogaud, senior unassigned Telegrapher, because of the following; message of record as follows was transmitted to and repeated by Conductor No. 33 at Rugby Junction, Wisconsin, at 1:26 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal."; and the following between Conductor Paquin of Train No. 33 on the phone at Rugby Junction, Wisconsin; Paquin — "Hello dispatcher this is No. 33 at Rugby Junction." Dispatcher "OK No. 33 may enter main track at Rugby Junction and proceed to next signal." Paquin repeats it at 1:27 P. M.

Time claimed 8 hours.

Claim No. 99

Date of time claimed; February 1, 1961, by A. R. Erickson, assigned Telegrapher at Sussex, Wisconsin, because the following message of record was transmitted to and repeated by Conductor No. 32 at Sussex, Wisconsin, at 12:35 P. M. while Mr. Erickson was out to lunch during his assigned lunch period; "No. 32 may use main track between Rugby Junction and Duplainville 12:35 P. M. until 2:05 P. M."

Time claimed 1 hour at punitive time.

Claim No. 100

Date of time claimed; February 1, 1961, N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, 8:00 A. M. to 5:00 P. M.,

because the following message of record was transmitted to and repeated by Conductor Engine 2103 at Fond Du Lac, Wisconsin, at 7:55 A. M.; "Engine 2103 may use main track between Shop's Yard and Byron 7:55 A. M. until 8:20 A. M. protecting against No. 24."

Time claimed 2 hours at punitive time.

Claim No. 101

Date of time claimed; February 2, 1961, by A. J. Weis, assigned Telegrapher at Allenton, Wisconsin, because the following message of record was transmitted to and repeated by Conductor No. 32 at Allenton, Wisconsin, at 11:42 A. M. while Mr. Weis was out to lunch during his assigned lunch period; "No. 32 may use main track between Marsh and Slinger 11:42 A. M. until 12:20 P. M."; also the following message of record was transmitted to and repeated by Conductor No. 32 at Allenton, Wisconsin, at 11:34 A. M. while Mr. Weiss was out to lunch during his assigned lunch period; No. 32 may use main track between Marsh and Slinger 11:34 A. M. until 12:01 P. M."

Time claimed 1 hour at punitive time.

Claim No. 102

Date of time claimed; February 2, 1961, by L. W. Husby, senior unassigned Telegrapher, because the following message of record was transmitted to and received by Conductor No. 33 at Rugby Junction, Wisconsin, at 1:46 P. M.; "No. 33 may enter main track at Rugby Junction and proceed to next signal." The Conductor also copied the following from the Dispatcher but did not repeat — just acknowledged it: "A train order concerning slow track over crossing CMStP&P at Slinger."

Time claimed 8 hours.

Claim No. 103

Date of time claimed; February 2, 1961; by A. L. Bogaud, senior unassigned Telegrapher, because of the following message of record was transmitted to and repeated by Conductor No. 31 at Spur 105, Wisconsin, at 3:08 P. M.; "No. 31 may use main track between Duplainville and Rugby Junction 3:08 P. M. until 4:10 P. M."

Time claimed 8 hours.

Claim No. 104

Date of time claimed; February 3, 1961, for 8 hours at \$2.52 per hour by J. S. Hayden, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to the next signal." Repeated at Rugby Junction at 12:44 P. M. by Conductor No. 33.

Claim No. 105

Date of time claimed; February 6, 1961, by C. T. Smith, senior unassigned Telegrapher for 8 hours at \$2.40 per hour. The message

of record repeated at Byron, Wisconsin at 7:37 A. M. by Conductor Hanford No. 32; "No. 32 may use main track between Byron and Marsh from 7:35 A. M. until 8:30 A. M. protecting against No. 34."

Claim No. 106

Date of time claimed; February 7, 1961, for 8 hours at \$2.45 per hour by H. R. Kunst, senior, unassigned Telegrapher. The messages of record repeated at Marsh, Wisconsin by Conductor No. 32 at 7:02 A. M.; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:50 A. M."

Claim No. 107

Date of time claimed; February 7, 1961, for 8 hours at \$2.52 per hour by A. L. Bogaud, senior unassigned Telegrapher. The message of record repeated at Rugby Junction, Wisconsin by Conductor Brazier at 7:00 A. M.; "No. 34 may use main track between Slinger and Duplainville from 7:01 A. M. until 8:01 A. M."

Claim No. 108

Date of time claimed; February 7, 1961, for 8 hours punitive time at \$3.78 per hour by L. E. Turner, senior relief Telegrapher observing rest day. The message of record; "No. 31 may enter main track at Rugby Junction and proceed to the next signal." Repeated at Rugby Junction, Wisconsin, by Conductor Jacobs at 2:41 P. M.

Claim No. 109

Date of time claimed, February 7, 1961, for 8 hours' punitive time at \$3.76½ per hour by N. R. Steffanus, assigned Telegrapher observing rest day. The message of record; "No. 31 may use main track between Duplainville and Rugby Junction 11:57 A. M. until 12:15 P. M." Repeated by Conductor Hansen at Spur 105, Wisconsin, at 11:57 A. M.

Claim No. 110

Date of time claimed; February 8, 1961, for 8 hours at \$2.45 per hour by L. W. Husby, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Marsh from 7:10 A. M. until 7:55 A. M." Repeated by Conductor Henzel at 7:10 A. M. at Marsh, Wisconsin.

Claim No. 111

Date of time claim; February 8, 1961, for 2 hours' punitive time at \$3.82 by N. F. Leary assigned Telegrapher, assigned hours 8:00 A. M. to 4:00 P. M. The message of record; "Engine 2103 may use main track between Shop's Yard and Byron from 7:30 A. M. until 11:30 A. M. protecting against No. 24." Repeated at Fond Du Lac, Wisconsin by Conductor Sherer at 7:33 A. M.

Claim No. 112

Date of time claimed; February 8, 1961, for 8 hours at \$2.52 per hour by A. L. Bogaud, senior unassigned Telegrapher. The message of

record; "No. 33 may enter main track at Rugby Junction and proceed to the next signal." Repeated by Conductor Wolfe at 12:47 P. M. at Rugby Junction, Wisconsin.

Claim No. 113

Date of time claimed; February 9, 1961, for 8 hours at \$2.52 per hour by A. L. Bogaud, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to the next signal." Repeated at Rugby Junction by Conductor No. 33 at 2:25 P. M.

Claim No. 114

Date of time claimed; February 9, 1961, for 8 hours at \$2.40 per hour by L. W. Husby, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Marsh from 7:20 A. M. until 8 A. M." Repeated at Byron, Wisconsin by Conductor Nelson at 7:22 A. M.

Claim No. 115

Date of time claimed; February 9, 1961, for 8 hours' punitive time at 3.76½ per hour by Lynn Turner, senior relief Telegrapher observing rest day. The message of record; "No. 32 may use main track between Rugby Junction and Duplainville 11:33 A. M. until 12:10 P. M." Repeated at Spur 105 by Conductor Nelson at 11:33 A. M.

Claim No. 116

Date of time claimed; February 9, 1961, for 8 hours at \$3.76½ punitive time, by N. Steffanus, relief Telegrapher observing rest day. The message of record "No. 31 may enter main track between Duplainville and Rugby Junction 12:11 P. M. until 1:10 P. M. protecting against No. 21." Repeated at Spur 105, Wisconsin, by Conductor Hensen at 12:11 P. M.

Claim No. 117

Date of time claimed; February 14, 1961, for 2 hours' punitive time at \$3.72 per hour by E. A. Spaulding assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh from 7:45 A. M. until 8:30 A. M. protecting against No. 24." Repeated at Lomira, Wisconsin, by Conductor Nelson at 7:45 A. M.

Claim No. 118

Date of time claimed; February 14, 1961, for 2 hours' punitive time at \$3.72 per hour by E. A. Spaulding assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:35 A. M." Repeated at Lomira, Wisconsin, at 7:01 A. M. by Conductor Nelson.

Claim No. 119

Date of time claimed; February 22, 1961, for 3 hours' punitive at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Lomira,

Wisconsin, hours 8:00 A. M. to 5:00 P. M. except Saturdays and Sundays. The message of record; "No. 32 may use main track between Byron and Duplainville." Repeated at Lomira, Wisconsin, at 9:53 A. M. by Conductor Nelson.

Claim No. 120

Date of time claimed; January 15, 1961, for 3 hours' punitive time at \$3.72 per hour by E. A. Spaulding assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M., except Saturdays and Sundays. The message of record; "No. 32 may use main track between Byron and Duplainville 9:22 A. M. until 11:05 A. M." Repeated at Lomira, Wisconsin by Conductor No. 32 at 9:22 A. M.

Claim No. 121

Date of time claimed; February 10, 1961, for 8 hours at \$2.52 per hour by F. A. Voit, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to the next signal." Repeated at Rugby Junction, Wisconsin, by Conductor Phillips at 2:32 P. M.

Claim No. 122

Date of time claimed; February 10, 1961, for 8 hours at \$2.51 per hour by A. L. Bogauda, senior unassigned Telegrapher. The message of record; "No. 31 may use main track between Duplainville and Rugby Junction 12:14 P. M. until 1:15 P. M." Repeated at Spur 105, Wisconsin, by Conductor Nelson at 12:14 P. M.

Claim No. 123

Date of time claimed; February 11, 1961, for 8 hours at \$2.52 per hour by L. W. Husby, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to next signal." Repeated at Rugby Junction by Conductor No. 33 at 1:34 P. M.

Claim No. 124

Date of time claimed; February 12, 1961, for 8 hours at \$2.40 per hour, by L. W. Husby, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Rugby Junction from 9:37 A. M. until 11:15 A. M." Repeated at Byron, Wisconsin, by Conductor Nelson at 9:37 A. M.

Claim No. 125

Date of time claimed; February 13, 1961, for 8 hours at \$2.40 per hour by A. L. Bogauda, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:30 A. M." Repeated at Byron, Wisconsin, by Conductor Hensel at 7:03 A. M.

Claim No. 126

Date of time claimed; February 13, 1961, for 2 hours at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Limira, Wisconsin,

8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:40 A. M." Repeated at Lomira, Wisconsin, by Conductor Henzel at 7:21 A. M.

Claim No. 127

Date of time claimed; February 13, 1961, for 8 hours at \$2.51 per hour, by L. W. Husby, senior unassigned Telegrapher. The message of record; "No. 31 may use main track between Duplainville and Rugby Junction 1:52 P. M. until 3:01 P. M." Repeated at Spur 105 Wisconsin, by Conductor Nelson at 1:52 P. M.

Claim No. 128

Date of time claimed; February 13, 1961, for 8 hours at \$2.52 per hour by A. L. Bogaud, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction at restricted speed and proceed to the next signal." Repeated at Rugby Junction, Wisconsin, by Conductor Pacquin at 12:06 P. M.

Claim No. 129

Date of time claimed; February 14, 1961, for one hour at overtime rate by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. until 5:00 P. M. The message of record; "No. 31 may use main track between Marsh and Byron 11:55 A. M. until 12:25 P. M." Repeated at Lomira, Wisconsin, by Conductor No. 31 at 11:55 A. M.

Claim No. 130

Date of time claimed; February 14, 1961, for 2 hours at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 7:35 A. M." Repeated at Lomira, Wisconsin, by Conductor No. 32 at 7:01 A. M.

Claim No. 131

Date of time claimed; February 14, 1961, for 2 hours at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh 7:45 A. M. until 8:30 A. M. protecting against No. 24." Repeated at Lomira, Wisconsin, by Conductor No. 32 at 7:45 A. M.

Claim No. 132

Date of time claimed; February 15, 1961, for 8 hours at \$2.55 per hour by H. R. Kunst, senior unassigned Telegrapher. The message of record; "Engine 2103 may use main track between Shop's Yard and Byron 1:55 P. M. until 4:35 P. M. protecting against No. 33." Repeated by Conductor Sherer at Hamilton, Wisconsin, at 1:55 P. M.

Claim No. 133

Date of time claimed; February 15, 1961, for 8 hours at \$2.52 by L. G. Andreae, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to next signal." Repeated at Rugby Junction by Conductor No. 33 at 12:55 P. M.

Claim No. 134

Date of time claimed; February 15, 1961, for 1 hour at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 31 may use main track between Marsh and Byron 12:08 P. M. until 12:50 P. M." Repeated at Lomira, Wisconsin, by Conductor No. 31 at 12:08 P. M.

Claim No. 135

Date of time claimed; February 15, 1961, for 1 hour at \$3.69 per hour account of lunch hour claimed by A. J. Weis, assigned Telegrapher at Allenton, Wisconsin. The message of record; "No. 31 may use main track between Slinger and Byron 11:43 A. M. until 12:30 P. M." Repeated at Allenton, Wisconsin by Conductor No. 31 at 11:43 A. M.

Claim No. 136

Date of time claimed; February 15, 1961, for 8 hours at \$2.51 per hour by J. A. Rineck, senior unassigned Telegrapher. The message of record; "No. 31 may use main track between Duplainville and Rugby Junction 10:37 A. M. until 11:30 A. M." Repeated at Spur 105, Wisconsin by Conductor No. 31 at 10:37 A. M.

Claim No. 137

Date of time claimed; February 15, 1961, for 2 hours at \$3.82 per hour by N. F. Leary, assigned Telegrapher at Fond Du Lac, Wisconsin, 8:00 A. M. to 5:00 P. M. The message of record; "Engine 2103 may use main track between Shop's Yard and Byron 7:30 A. M. until 11:30 A. M. protecting against No. 24." Repeated at Fond Du Lac, Wisconsin, by Conductor Engine 2103 at 7:30 A. M.

Claim No. 138

Date of time claimed; February 16, 1961, for 8 hours at \$2.40 per hour by H. R. Kunst, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Marsh from 7:35 A. M. until 8 A. M." Repeated at Byron, Wisconsin, by Conductor Nelson at 7:37 A. M.

Claim No. 139

Date of time claimed; February 16, 1961, for 2 hours at \$3.82 per hour by N. F. Leary, assigned Telegrapher 8:00 A. M. to 5:00 P. M. The message of record; "Engine 2364 may use main track between Shop's Yard and Byron from 7:40 A. M. until 11:30 A. M. protecting against No. 24." Repeated at Fond Du Lac by Conductor Sherer at 7:42 A. M.

Claim No. 140

Date of time claimed; February 16, 1961, for 8 hours at \$2.52 by L. G. Andreae, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to next signal do not exceed 15 mph over east switch at Byron." Repeated at Rugby Junction by Conductor No. 33 at 1:37 P. M.

Claim No. 141

Date of time claimed; February 16, 1961, for 2 hours at \$3.72 per hour by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh 7:35 A. M. until 8 A. M." Repeated at Lomira, Wisconsin, by Conductor Nelson at 7:35 A. M.

Claim No. 142

Date of time claimed; February 17, 1961, for 8 hours at \$2.52 per hour by H. R. Kunst senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to next signal." Repeated at Rugby Junction, Wisconsin, by Conductor No. 33 at 1:01 P. M.

Claim No. 143

Date of time claimed; February 18, 1961, for 8 hours at \$2.52 per hour by R. C. Wetterlin, senior unassigned Telegrapher. The message of record; "No. 33 may enter main track at Rugby Junction and proceed to the next signal." Repeated at Rugby Junction, Wisconsin, by Conductor Phillips at 3:21 P. M.

Claim No. 144

Date of time claimed; February 21, 1961, for 8 hours at \$2.45 per hour by R. C. Wetterlin, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Byron and Marsh from 7 A. M. until 8 A. M." Repeated at Marsh, Wisconsin, by Conductor No. 32 at 7:01 A. M.

Claim No. 145

Date of time claimed; February 22, 1961 (holiday) for 3 hours, \$3.72 per hour, by E. A. Spaulding, assigned Telegrapher at Lomira, Wisconsin, hours 8:00 A. M. to 5:00 P. M. The message of record; "No. 32 may use main track between Byron and Marsh from 7:01 A. M. until 8:01 A. M." Repeated at Lomira, Wisconsin at 7:01 A. M. by Conductor No. 32.

Claim No. 146

Date of time claimed; February 22, 1961 (holiday) for 8 hours at \$3.67½ by R. C. Wetterlin, senior unassigned Telegrapher. The message of record; "No. 32 may use main track between Marsh and Slinger from 7:40 A. M. until 8:20 A. M." Repeated at Marsh, Wisconsin, by Conductor Henzel at 7:44 A. M.

3. On dates subsequent to February 22, 1961, that violations as set forth above occur at places where no Telegrapher is employed, Carrier shall compensate the senior idle employees (extra in preference) on the seniority district involved, in the amount of a day's pay of eight (8) hours for each such violation. On dates subsequent to February 22, 1961, that such violations occur at places where a Telegrapher or Telegraphers are employed, Carrier shall compensate the Telegraphers designated at that station in the amount of a call (3 hours' pay) for each such violation.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective July 1, 1956, as supplemented and amended, is available to your Board and by this reference is made a part hereof as though set out herein word for word.

As indicated in Statement of Claim, this dispute arose out of Carrier's action of requiring or permitting employees not covered by the Agreement to handle train orders and messages of record.

Part 2 of Statement of Claim, in addition to naming claimant and amount of compensation claimed in each instance, also contains record of place of violation, date, time and context of the orders involved in approximately 147 separate claims.

Part 3 of Statement of Claim claims compensation for violations of similar nature on dates subsequent to February 22, 1961, of which there are several hundred to date.

Train movements here involved, and the orders relative thereto, are in CTC (centralized traffic control) territories and are governed by Rule 271 of the Consolidated Code of Operating Rules which reads as follows:

"Within CTC limits, trains or engines may occupy a track or tracks within specified limits and between specified times to perform switching or other work when authorized to do so by the control operator in the following form: 'train or engine) may use (track or tracks between and (or at) M. until M.'

When requesting track and time limits, conductor will give his name, location, train or engine number, and specify time and work limits and track or tracks to be used. When such authority is granted, the instructions must be repeated to the control operator. No movement may be made under this rule until the engineer has received and understands the track and time limits granted.

After the train or engine has entered the specified limits, the control operator must block all signal and switch levers controlling movements into the specified limits and must not permit any other train or engine to enter the limits during the period track and time limits are in effect. Blocks must not be removed until track and time limits have expired unless conductor reports the train or engine clear of the track or tracks specified or work completed.

During the period track and time limits are authorized, the track or tracks specified may be used in either direction without flag

From the penalties sought—eight (8) hours on behalf of the senior unassigned telegrapher for alleged violations occurring at points where no telegraphers are employed and a 3-hour call for the telegrapher assigned at the station where other infractions are alleged—it would appear that the Organization is relying upon Rule 20 of their agreement entitled “Train Orders.” If this be so, then it becomes even more obvious that the claims are without merit. Track and time limits simply are not train orders, and any attempt to equate one with the other is absolutely without foundation.

The Brotherhood’s reference to “messages of record” would indicate that they might also anticipate relying on the general charge that there has been a violation of their Scope Rule. Not that “messages of record” are exclusively reserved for them or even mentioned in the Scope Rule, but as is usual in disputes such as this, no doubt their arguments will be based on the theory of historic custom and practice as it relates to communications of record. Here again their claim must fall, for in the first place the conversations are not “of record” and in the second place there can be no showing of tradition and past practice as the use of track and time limits is new to this property coming into being with the advent of CTC between Shop’s Yard and Slinger on October 20, 1960.

In considering this dispute, the Board should keep in mind not only the fact that track and time limits are a new type of operation on this property and, therefore, such messages have never previously been handled by telegraphers, but it should also remember that the use of the telephone is not reserved exclusively to telegraphers or any other craft and, furthermore, there is no rule or requirement either by law or by company instruction that requires the keeping of any records made in connection therewith as is required in the case of train orders, clearance cards, block reports, etc.

The issues in dispute in the instant case were also before Special Board of Adjustment No. 100. In Award No. 1, Chairman Frank P. Douglas ably analyzed the facts of the matter as well as the conflicting contentions of the parties. Chairman Douglas found that track and time limits were neither communications of record nor was the handling of track and time limits exclusively the work of telegraphers.

For reasons stated above, it is Carrier’s position that the claims submitted are not supported by rule, past practice or findings of other tribunals. Carrier contends these claims are without merit and respectfully prays that they be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: Centralized Traffic Control was placed in operation between Shop’s Yard (North Fond Du Lac), Wisconsin and Slinger, Wisconsin, October 20, 1960. Subsequently, it was extended to PDC Junction (Waukesha) Wisconsin. The Organization presents 146 separate claims in the instant case; alleging that subsequent to the installation of CTC, the Carrier violated the Agreement, by requiring or permitting employes not covered by the agreement, to handle train orders and messages of record. All of the claims involved in the 146 instances, involved track and time limits.

The Organization contends that the communications involved in the claims before the Board constitute train orders and messages of record, and hence should have been handled by the Order of Railroad Telegraphers, under the terms of their Agreement with the Carrier.

The single most determinative issue involved in this case, is whether or not the securing of track and time limits is properly within the province of the Telegraphers' Organization.

We are of the opinion that we should follow the decisions handed down in Award No. 1, Special Board of Adjustment No. 100 (Douglass); Award 11161 (Moore) and Award 11720 (Hall). All of these awards denied the claims presented therein and held that communications of the type involved in the instant claims were not train orders or messages of record. Therefore the claims will 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 Employee involved in this dispute are respectively Carrier and Employee 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 17th day of December 1965.