

Award No. 14454
Docket No. TE-12234

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arnold Zack, Referee

PARTIES TO DISPUTE:

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

NORFOLK SOUTHERN RAILWAY COMPANY

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

1. Article 1 and other rules of the Telegraphers' Agreement were violated when and because the Carrier permitted or required the Star (non-operator) agent at Glendon, N. C. and Parkwood, N. C., to handle (transmit and receive) messages and reports by telephone on the dates of February 24 and March 16, 1959.

2. The senior, idle operator, extra in preference, as of these dates, shall be paid a day's pay for each day because of such violations.

3. The agent-operator's rate of pay shall be restored at the Parkwood Agency as of January 23, 1957, and at the Glendon Agency as of April 2, 1957, and continuing until such time as the wires are removed from, at or about these stations, in accordance with the Memorandum Agreement dated Chicago, Illinois, May 20, 1937, and Article 13(b) of the current schedule agreement.

EMPLOYEES' STATEMENT OF FACTS: Carrier's main line extends westward from Norfolk, Virginia to Charlotte, North Carolina, a distance of 381 miles. Raleigh, N. C. is located 226 miles from Norfolk. Glendon, N. C. is situated 61 miles west of Raleigh. Parkwood, N. C. (Formerly Hallison, N. C.) is 11 miles farther west, approximately 72 miles from Raleigh.

The agreement, published August 1, 1937, listed Glendon and Hallison under Article 32 — Wage Scale, which provided:

"The minimum rate hereafter established for non-telegraph offices referred to in Section (b) of Article 2 of this agreement will be \$62.50 per month, except at Glendon, Pantego, Northwest and Hallison. The minimum rate applicable to telegraph positions hereafter established will be 58 cents per hour on branch lines and 59 cents per hour on the main line. It is understood that the main line constitutes the track from Norfolk, Va., to Charlotte, N. C., inclusive.

telephone instruments installed at or about these stations shall be removed by July 1, 1937," amongst which stations listed was Glendon and Hallison (now Parkwood). These instruments were removed and the only telephonic communication in the vicinity of these stations is located in a wayside telephone booth outside of the stations and on the right of way. At the time of the May 20, 1937, agreement Vanceboro was an open telegraph office, but was subsequently reclassified as a star agency.

OPINION OF BOARD: The claims herein are predicated on telephone messages by Star Agents. This issue has previously been before this Division of the Board on numerous occasions. Similar claims involving the same parties, the same agreement and similar contentions were considered by the Division in Awards 9572, 9573, 10825, 10836, 11509, 11512, 11610, 11611, 12628, 12629 and 12630. In all of those Awards the claims were denied. The previous Awards are not palpably wrong, and in accordance therewith the claims herein 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 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 24th day of May 1966.