

Award No. 14483

Docket No. TE-14051

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Benjamin H. Wolf, Referee

PARTIES TO DISPUTE:

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

GULF, MOBILE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Mobile and Ohio Railroad, that:

1. Carrier violated the agreement between the parties when on March 31, 1962 it required or permitted an employe not covered by said agreement, at Venice, Illinois, to transmit a message and to receive a message at a time when no operator was on duty (at Tolson).
2. Carrier shall be required to compensate either the first or second shift telegrapher at Tolson in the amount of a minimum call payment.

EMPLOYEES' STATEMENT OF FACTS: The agreement between the parties, effective June 1, 1953, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

Venice, Illinois, is located just east of and across the Mississippi River from St. Louis, Missouri. It is located at the juncture between the Northern Division and the Eastern Division. Tolson, Illinois, is on the Northern Division just east of and across the Mississippi River from St. Louis, Missouri. Venice and Tolson are about four miles distant from each other; Venice just north of East St. Louis, Illinois, and Tolson in the Southern outskirts of East St. Louis, Illinois. The Carrier maintains freight yard facilities at both points. For practical purposes, when dealing with Northern Division trains, it is one freight yard with Venice being the North Yard and Tolson the South Yard. The Northern Division communication office for this freight yard facility is located in the South Yard at Tolson. At the time cause for this claim arose, there were two positions at Tolson designated as telegrapher, the first trick from 7:00 A. M. to 3:00 P. M. and the second trick from 3:00 P. M. to 11:00 P. M., both seven-day positions. The third trick, 11:00 P. M. to 7:00 A. M. was discontinued sometime prior to the date of this claim.

OPINION OF BOARD: The dispute herein involves the same parties and the same basic contentions by the parties as involved in Award 14482 and for the reasons stated in that award the claim herein is 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 Employees involved in this dispute are respectively Carrier and Employees 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 2nd day of June 1966.