

Award No. 14485
Docket No. TE-14185

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 January 1, 1962, and February 13, 1962, it required or permitted a Yard Clerk at Meridian, Mississippi to transmit by radio telephone, messages which were received by a Clerk in the Union, Mississippi Yard Office. Neither Clerk is covered by the Agreement.

2. Carrier shall be required to compensate the senior idle telegrapher, extra in preference, on Seniority District No. 4, in the amount of a day's pay of eight (8) hours for each day, January 1 and February 13, 1962, because of the violations set forth above at Meridian, Mississippi.

3. Carrier shall be required to compensate the senior idle telegrapher, extra in preference, on Seniority District No. 5, in the amount of a day's pay of eight (8) hours for each day, January 1 and February 13, 1962, because of the violations set forth above at Union, Mississippi.

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.

At 11:23 A. M. on January 11, 1962, Carrier required or permitted a Yard Clerk at Meridian, Mississippi Yard Office, to transmit by radio telephone to a Clerk at Union, Mississippi, Yard Office, the following message:

"No. 333 has

11-7-704 Sebastopol

11-7-704 Sebastopol,
25-18-1832 North
3-2-240 Union
18-26-1498 Jackson
2-1-133 for 5th Street. (Time 11:23 A.M.)”

- - - - -
“Meridian, Miss. 2/13/62

No. 33 has
1 load 5th Street 60 tons
26 loads 8 mtys north 1922 tons
22 loads 2 mtys for Union 1368 tons
32 loads 22 mtys 2486 tons for Jackson
Total 80 loads 32 mtys 5876 tons. (Time 10:17 A.M.)”

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Many prior cases before this Board involve the use of the telephone by other than telegraph operators. While the instant case refers to the radio telephone, this instrument was used in lieu of the telephone because of convenience.

The current Agreement between the parties is one effective June 1, 1953. Copy of this Agreement is on file with this Board and by reference made a part hereof.

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.

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