

Award No. 14680
Docket No. TE-14057

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

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

ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Erie-Lackawanna Railroad Company (Erie District) that:

CLAIM NO. 1

1. Carrier violated Rule 24 of the Telegraphers' Agreement when it used Mr. D. A. Vigneri as operator-leverman at FW Tower to replace S. J. Garigen on vacation, August 29, 30, 31, Sept. 1 and 2, 1961, Mr. Vigneri was the regular operator at Niagara Jct., Niagara Falls, N. Y.

2. Carrier shall compensate Mr. D. A. Vigneri for the difference between straight time and time and one-half for working outside of his regular assigned hours, Aug. 29, 30, 31, Sept. 1, and Sept. 2, 1961, and shall also pay claimant other additional expenses under Rule 24 of the Agreement. (Carrier File 220.9 — Item 209)

CLAIM NO. 2

1. Carrier violated Rule 24 of the Telegraphers' Agreement when it used Mr. D. A. Vigneri on block operator clerks position at Rochester, N. Y., Sept. 11th and 12th, 1961. Mr. Vigneri was the regular operator at Niagara Jct. in Niagara Falls, N. Y.

2. Carrier shall compensate Mr. D. A. Vigneri for the difference between straight time and time and one-half for working outside of his regular assigned hours, and shall also pay claimant other additional expenses under Rule 24 of the Agreement. (Carrier File 220.9 — Item 210)

EMPLOYEES' STATEMENT OF FACTS: The facts in this dispute are as follows. Mr. D. A. Vigneri, claimant, occupied a position at Suspension Bridge, New York. Said position was classified as Operator, Block Operator, Clerk.

Under date of September 18, 1961, claim was instituted by the District Chairman as contained in Petitioner's "Statement of Claim" with Chief Dispatcher E. E. Shipton. Claim was denied by the Chief Dispatcher under date of September 20, 1961 and thereafter handled on appeal up to and including Carrier's highest officer designated to handle such matters where it was discussed in conference June 13, 1962 and denied, providing Petitioner was not agreeable to holding the case in abeyance pending decision of this Board in Docket TE-13090 now before the Board for adjudication. Carrier's offer and denial decision during conference was confirmed by letter dated June 21, 1962, attached hereto as Carrier's Exhibit B.

(Exhibits not reproduced.)

OPINION OF BOARD: This case involves the same parties and presents the same issues as in Award No. 14679. For reasons stated in that Award we will sustain the Claim herein.

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 Carrier violated the Agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1966.