

Award No. 14764
Docket No. TE-12955

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYES UNION
(FORMERLY THE ORDER OF RAILROAD TELEGRAPHERS)**

CHICAGO GREAT WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago Great Western Railway, that:

CASE NO. 1

1. Carrier violated and continues to violate the Agreement between the parties when on January 6, 20, February 12, 1960, and subsequent dates, it required and continues to require the Telegrapher-Clerks employed at Clarion, Iowa, to "clear" trains and leave clearance cards, train orders, messages, etc., on the train register for members of train crews to pick up at a time when no telegrapher is on duty.

2. Because of these violations, Carrier shall compensate D. E. Farran, regular second-shift Telegrapher-Clerk, Clarion, in the amount of a call allowance of two (2) hours' pay at the time and one-half rate for each day, January 6 and February 12, 1960; R. L. Farran, regular first-shift Telegrapher-Clerk, Clarion, two (2) hours' pay at the time and one-half rate for January 20, 1960, and on dates subsequent to February 12, 1960, that violations of the Agreement as set forth above occur at Clarion, Carrier shall compensate the Telegrapher-Clerk employed at Clarion and available for service in the amount of a call allowance of two (2) hours' pay at the time and one-half rate for each such violation. Subsequent dates and claimants to be determined by a joint check of the Carrier's records.

CASE NO. 2

1. Carrier violated and continues to violate the Agreement between the parties when on January 26, 1960, and subsequent dates, it required and continues to require the Wire Chief-Telegrapher-Clerks employed at Des Moines, Iowa, to "clear" trains and leave clearance card, train orders, messages, etc., on the train register for members of train crews to pick up at a time when no Telegrapher is on duty.

/s/ L. M. KINGSBURY
General Chairman"

(Exhibits not Reproduced.)

OPINION OF BOARD: This case poses a question of interpretation of the so-called "Standard Train Order Rule."

Carrier required telegraphers, during their regular assigned hours, to clear a train with the dispatcher before going off duty and leave the clearance and train orders on the train register.

Subsequently in the absence of a telegrapher on duty at the office, the clearance and train orders were picked up from the train register by a member of the train crew.

This issue, under like facts, has been repeatedly considered and the employees' position sustained.

See Awards 1166, 1169, 1170, 1422, 1680, 1879, 2928, 3611, 3612, 4057, 5013, 8657, 9319, 10289, 11653, 11788, 11807, 11822, 12240, 12967, 13152, 13160, 13343, 13712, 13713, 13870, 14307.

Claim is sustained for a call payment on January 6, 20, 24, 26, and February 12, 1960, as specified in the statement of claim, and for the subsequent dates and claimants as specified in the General Chairman's letter to Carrier of May 10, 1961.

The record does not support the allegation of a continuing claim. We deny the claim to the extent of this allegation and the prayer for "Subsequent dates and claimants to be determined by a joint check of the Carrier's records."

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 violated.

A W A R D

Claim sustained to extent indicated in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of September, 1966.

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