



Award No. 14805
Docket No. TE-11507

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

George S. Ives, Referee

PARTIES TO DISPUTE:

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

**THE NEW YORK, CHICAGO AND ST. LOUIS
RAILROAD COMPANY
(Wheeling and Lake Erie District)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York, Chicago and St. Louis Railroad (Wheeling & Lake Erie District), that:

1. The Carrier violates the parties' Agreement at Jewett, Ohio, when it permits or requires employes not covered by said Agreement to handle messages over the telephone therefore displacing employes covered by the Telegraphers' Agreement from the performance of this work.

2. The Carrier shall, because of the violation set out above, compensate James Campbell, regularly assigned agent-telegrapher at Jewett, Ohio, or his successors, a call for each such violation commencing November 11, 1957 (retroactive for sixty (60) days prior to the filing of this claim) and so long thereafter as the violation as set forth in Item 1 of this claim continues.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence by and between the parties to this dispute, effective as to rules February 1, 1952, and as to rates, effective February 1, 1951, and as amended.

In an agreement between the United States Railroad Administration and the employes on this property as represented by The Order of Railroad Telegraphers, effective July 1, 1919, at Page 19, are listed the positions existing at Jewett on the effective date of that agreement. The listing reads:

	1st Trick Telegrapher.....	\$.50%
Jewett.....	2nd Trick Telegrapher.....	.50%
	3rd Trick Telegrapher.....	.50%

At Page 15 of an agreement between these same parties effective as to rules April 1, 1938, and effective as to rates August 1, 1937, are listed the positions existing at Jewett on the effective date of said agreement. The listing is:

	Hourly Rate
Jewett.....Telegraphers (3).....	\$.71¼

In 1954, the PRR closed its agency at Jewett. This forced the Carrier to abolish the first trick telegrapher-clerk position and establish a position of agent-telegrapher. Headquarters for that position were arranged in the same building as the yard office. The claimant here is the incumbent of that position.

For many years that a yard clerk position has existed at Jewett, both prior and subsequent to the abolishment of the telegrapher positions in 1945 due to the installation of CTC, it has been the practice for the clerk to converse with the dispatcher over the dispatcher's telephone installed on the yard clerk's desk. Information so furnished the dispatcher concerned the number of cars for movement, their location, classification, destination, etc. This enables the dispatcher to plan his work and keep the traffic moving. The dispatcher in turn keeps the yard clerk informed as to the cars he desires be moved on which train.

Attached hereto marked Exhibits A through J are copies of correspondence setting forth the handling of the claim on the property.

(Exhibits not reproduced.)

OPINION OF BOARD: Under the particular circumstances of this case the claim herein will be dismissed.

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 Employee involved in this dispute are respectively Carrier and Employee 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 Claim will be dismissed in accordance with the Opinion.

AWARD

Claim dismissed in accordance with the Opinion and Findings.

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.