

Award No. 14860
Docket No. TE-13274

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION
George S. Ives, Referee

PARTIES TO DISPUTE:

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

SOUTHERN PACIFIC COMPANY
(Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company, that:

1. Carrier violated the Agreement between the parties by its action commencing on September 11, 1960, at Wister, California, September 15, 1960, at Bertram, California, and September 17, 1960 at Banning, California (all on the Los Angeles Division), of requiring or permitting a car repairman, an employe not covered by the Agreement, to handle (transmit) communications of record at the above-named places.

2. Because of these violations Carrier shall compensate L. E. Sims, the senior idle, extra, available telegrapher on the Los Angeles Division, in the amount of eight (8) hours' pay at the pro rata rate for each date of September 11 and 15, 1960. Also, Carrier shall compensate Bessie Elterman, the senior extra, idle, available telegrapher on the Los Angeles Division on September 17, 1960, in the amount of eight (8) hours' pay at the pro rata rate.

3. On each date subsequent to September 11, 1960 at Wister, September 15, 1960 at Bertram, and September 17, 1960, at Banning, California, that similar violations of the Agreement, as described above, occur at said places, Carrier shall compensate the senior, idle, extra available telegrapher in the amount of eight (8) hours' pay, at the rate provided by the applicable rules, for each such violation.

EMPLOYES' STATEMENT OF FACTS: The Agreement between the parties, effective December 1, 1944 (reprinted March 1, 1951), as amended and supplemented, is available to your Board and by this reference is made a part hereof as though set out herein word for word.

This dispute arose because of Carrier's action of requiring or permitting a carman to transmit messages of record to the train dispatcher on September 11, 1960, from Wister, California, September 15, 1960, from Bertram, California; and on September 17, 1960, from Banning, California.

and that such handling did not involve nor contravene any provision of the Telegraphers' Agreement, this being solely work of the car repairmen and truck train dispatchers involved.

(Exhibits not reproduced.)

OPINION OF BOARD: The precise issue here presented has been decided by this Board in Awards 12615 and Claim No. 3 of Award 12618 in favor of the Carrier. The same issue was decided in the same way by Special Board of Adjustment No. 553 in its Awards 20, 45 and 65.

These decisions are controlling, and the claims will, accordingly, be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of October 1966.