



Award No. 14892
Docket No. TE-11911

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

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

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the St. Louis-San Francisco Railway that:

1. Carrier violated and continues to violate its agreement with the employes represented by The Order of Railroad Telegraphers when, on April 28, 1959, it declared abolished the second trick telegrapher position at Hugo, Oklahoma, when in fact all the duties of the position remained to be performed.
2. Carrier further violated said agreement when on the same date, acting alone, it transferred much of the work of the second telegrapher position to an employe not subject to the agreement.
3. The position of second telegrapher, Hugo, Oklahoma, shall be restored to the agreement, and the work of said telegrapher's position and the former incumbent thereof shall be returned thereto and he and all other employes affected shall be fully compensated for all loss suffered by them as a result of these violative acts.

EMPLOYES' STATEMENT OF FACTS: Prior to April 28, 1959 there were two positions covered by the Telegraphers' Schedule in existence at Hugo, Oklahoma. They were: First telegrapher with assigned hours 9:30 A. M. to 5:30 P. M. Saturday through Wednesday and second telegrapher with assigned hours 5:30 P. M. to 1:30 A. M. Tuesday through Saturday. There was also a relief position assigned to fill the rest days of the two regular positions at Hugo and one rest day of the Agent-Telegrapher at Valliant, Oklahoma. The balance of the station force consisted of an appointive Agent-Yardmaster and a Clerk-Cashier with assigned hours of 9:30 A. M. to 5:30 P. M.

The following is a partial list of the duties performed by the telegrapher on the abolished second trick telegraph position:

assigned all the non-telegraphic duties formerly performed by the second telegrapher. It has since been necessary to work the Cashier-Clerk extensive overtime to perform the clerical duties of the abolished second telegrapher position and also to work the first telegrapher considerable overtime to perform the communications work accruing on the second-telegrapher shift.

CARRIER'S STATEMENT OF FACTS: As evidenced by the Employees' Statement of Claim, the instant dispute arose at Hugo, Oklahoma. Hugo is located on the southern portion of Carrier's Central Division. Such Division extends from Monett, Missouri, in a southwesterly direction to Paris, Texas and from Ardmore, Oklahoma eastwardly to Hope, Arkansas. Paris (583) is approximately 301 miles south of Monett (282). Hugo (559) is located at a point 24 miles north of Paris. The two latter stations are on the Arthur Subdivision of the aforementioned Central Division. The Ardmore Subdivision of the Central Division extends from Ardmore, Oklahoma, (665) eastwardly to Hugo, a distance of approximately 106 miles. The Arkinda Subdivision of the Central Division extends from Hugo to Hope, Arkansas, (679), a distance of approximately 120 miles.

The second class scheduled freight trains operated over the above-mentioned territories as of April 27, 1959 were as follows:

Sub-Division	Second-Class Train No.	Hugo	Days
Arthur	731	By 5:42 PM	Mon-Wed-Fri.
Arthur	732	By 10:05 AM	Tues-Thur-Sat.
Ardmore-Arkinda	735	Arr. 1:30 PM	Dept. 10:30 PM Daily
Arkinda-Ardmore	736	Arr. 10:00 AM	Dept. 11:30 AM Daily

There were no first class scheduled passenger trains on such territories on the date of the claim.

Immediately prior to April 28, 1959, the station force at Hugo, Oklahoma, consisted of the following positions:

Position	Hours	Work Week	Rate (11-1-58)
Agent-Yardmaster	Mo. Rated		
Cashier	9:30 A - 5:30 P	5	\$19.63 Day
Teleg-Clerk	9:30 A - 5:30 P	7	2.44 Hour
Teleg-Clerk *	5:30 P - 1:30 A	7	2.416 Hour

* Former occupant J. D. Slate

On or about April 27, 1959, the second trick Telegrapher position was abolished and the assigned hours of the Cashier position were changed to 12:01 P. M. to 9:01 P. M. The Organization protested the Carrier's actions and filed claim which was handled on the property up to and including the Carrier's highest officer designated to handle claims. Such claim was not composed on the property and the Organization has appealed to this Board for a decision. See Carrier's Exhibits A-1, A-2 and A-3.

OPINION OF BOARD: Prior to April 28, 1959, an Agent-Yardmaster, not covered by any Agreement, a Cashier, covered by the Clerks' Agreement,

and two Telegrapher-Clerks, covered by the Telegraphers' Agreement, were employed at the Hugo, Oklahoma, station. On or about April 28, 1959, the second trick Telegrapher-Clerk position was abolished and the clerical duties previously performed by said Telegrapher-Clerk were assigned to the Cashier while the telegraphic duties were assigned to the first trick Telegrapher-Clerk.

The clerical work previously performed by the Telegrapher-Clerk was not exclusive. By history, custom and practice the Cashier always performed clerical work. It makes no difference whether the decreased business at the station affected either the Cashier, the Telegrapher-Clerks, or both.

There is no convincing evidence to support the Employees' allegation that the Cashier position worked overtime to perform the duties of the abolished position. Employees have failed to prove these allegations.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of October 1966.