

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY
and
THE LAKE ERIE & EASTERN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pittsburgh and Lake Erie Railroad that:

CLAIM NO. 1

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Telegraphers' Agreement, at Dickerson Run, Pennsylvania to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

| | | | |
|-----|----------|----------|-------------|
| 1. | October | 28, 1960 | 3:07 A. M. |
| 2. | October | 29, 1960 | 1:20 A. M. |
| 3. | October | 31, 1960 | 1:25 A. M. |
| 4. | November | 1, 1960 | 3:05 A. M. |
| 5. | November | 2, 1960 | 2:30 A. M. |
| 6. | November | 4, 1960 | 2:45 A. M. |
| 7. | November | 10, 1960 | 5:25 A. M. |
| 8. | November | 9, 1960 | 6:25 A. M. |
| 9. | November | 8, 1960 | 12:30 A. M. |
| 10. | November | 6, 1960 | 2:00 A. M. |
| 11. | November | 6, 1960 | 12:04 P. M. |
| 12. | November | 5, 1960 | 1:55 A. M. |
| 13. | November | 5, 1960 | 1:08 P. M. |
| 14. | November | 11, 1960 | 2:05 A. M. |
| 15. | November | 12, 1960 | 2:10 A. M. |
| 16. | November | 13, 1960 | 3:10 A. M. |
| 17. | November | 15, 1960 | 11:25 A. M. |
| 18. | November | 16, 1960 | 11:15 A. M. |

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| 19. | November | 17, 1960 | 11:35 A. M. |
| 20. | November | 19, 1960 | 1:12 A. M. |
| 21. | November | 22, 1960 | 1:05 A. M. |
| 22. | November | 22, 1960 | 1:20 P. M. |
| 23. | November | 23, 1960 | 12:15 P. M. |
| 24. | November | 24, 1960 | 2:45 A. M. |
| 25. | November | 24, 1960 | 11:15 A. M. |
| 26. | November | 25, 1960 | 12:55 P. M. |
| 27. | November | 28, 1960 | 10:30 A. M. |
| 28. | November | 29, 1960 | 11:15 A. M. |
| 29. | November | 30, 1960 | 11:15 P. M. |
| 30. | December | 1, 1960 | 2:15 P. M. |
| 31. | December | 1, 1960 | 4:00 A. M. |
| 32. | December | 2, 1960 | 1:25 A. M. |
| 33. | December | 2, 1960 | 11:50 P. M. |
| 34. | December | 3, 1960 | 1:20 A. M. |
| 35. | December | 9, 1960 | 1:52 A. M. |
| 36. | December | 15, 1960 | 3:30 A. M. |
| 37. | December | 23, 1960 | 3:35 A. M. |
| 38. | March | 17, 1961 | 12:30 A. M. |
| 39. | April | 14, 1961 | 1:40 A. M. |
| 40. | June | 2, 1961 | 2:25 A. M. |
| 41. | June | 2, 1961 | 3:15 A. M. |
| 42. | June | 9, 1961 | 1:45 A. M. |
| 43. | June | 9, 1961 | 5:00 A. M. |
| 44. | August | 4, 1961 | 5:45 A. M. |

2. The Carrier will compensate the operator on duty at "MC" Dickerson Run at the time of the violations, eight hours at the pro rata rate of \$2.494 per hour. Claim is presented for \$19.95 for each and every violation listed above.

CLAIM NO. 2

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Agreement, at Newell Yard to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

| | | | |
|----|----------|----------|-------------|
| 1. | October | 29, 1960 | 10:30 P. M. |
| 2. | December | 3, 1960 | 6:30 P. M. |
| 3. | December | 4, 1960 | 7:15 P. M. |
| 4. | December | 9, 1960 | 8:45 P. M. |
| 5. | December | 10, 1960 | 8:00 P. M. |
| 6. | December | 14, 1960 | 9:50 P. M. |
| 7. | December | 15, 1960 | 6:20 P. M. |
| 8. | December | 16, 1960 | 4:20 P. M. |

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| 9. | December | 17, 1960 | 6:45 P. M. |
| 10. | December | 22, 1960 | 7:30 P. M. |
| 11. | December | 23, 1960 | 4:00 P. M. |
| 12. | December | 25, 1960 | 6:17 P. M. |
| 13. | December | 29, 1960 | 5:15 P. M. |
| 14. | December | 31, 1960 | 5:50 P. M. |
| 15. | December | 16, 1960 | 11:30 P. M. |
| 16. | December | 18, 1960 | 11:45 P. M. |
| 17. | December | 22, 1960 | 11:50 P. M. |
| 18. | December | 24, 1960 | 6:30 P. M. |
| 19. | December | 28, 1960 | 10:00 P. M. |
| 20. | December | 30, 1960 | 6:50 P. M. |
| 21. | January | 4, 1961 | 4:05 P. M. |
| 22. | January | 5, 1961 | 6:40 P. M. |
| 23. | January | 6, 1961 | 5:05 P. M. |
| 24. | January | 7, 1961 | 6:10 P. M. |
| 25. | January | 8, 1961 | 4:25 P. M. |
| 26. | January | 11, 1961 | 6:30 P. M. |
| 27. | January | 12, 1961 | 8:05 P. M. |
| 28. | January | 13, 1961 | 6:00 P. M. |
| 29. | January | 13, 1961 | 8:13 P. M. |
| 30. | January | 14, 1961 | 8:35 P. M. |
| 31. | January | 15, 1961 | 6:45 P. M. |
| 32. | January | 16, 1961 | 4:10 P. M. |
| 33. | January | 17, 1961 | 8:35 P. M. |
| 34. | January | 18, 1961 | 6:45 P. M. |
| 35. | January | 19, 1961 | 7:00 P. M. |
| 36. | January | 19, 1961 | 4:00 P. M. |
| 37. | January | 20, 1961 | 6:45 P. M. |
| 38. | January | 20, 1961 | 1:50 A. M. |
| 39. | January | 20, 1961 | 6:05 P. M. |
| 40. | January | 21, 1961 | 3:30 P. M. |
| 41. | January | 21, 1961 | 10:10 P. M. |
| 42. | January | 22, 1961 | 4:25 P. M. |
| 43. | January | 22, 1961 | 7:45 P. M. |
| 44. | March | 19, 1961 | 4:40 P. M. |
| 45. | March | 18, 1961 | 4:30 P. M. |
| 46. | March | 17, 1961 | 5:20 P. M. |
| 47. | March | 15, 1961 | 10:15 P. M. |
| 48. | March | 8, 1961 | 4:40 P. M. |
| 49. | March | 9, 1961 | 5:50 P. M. |
| 50. | March | 10, 1961 | 9:15 P. M. |
| 51. | March | 11, 1961 | 5:15 P. M. |
| 52. | March | 12, 1961 | 4:15 P. M. |
| 53. | April | 8, 1961 | 9:40 P. M. |
| 54. | April | 7, 1961 | 9:00 P. M. |

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| 55. | April | 7, 1961 | 4:10 P. M. |
| 56. | April | 6, 1961 | 7:30 P. M. |
| 57. | April | 5, 1961 | 4:55 P. M. |
| 58. | April | 2, 1961 | 7:40 P. M. |
| 59. | April | 2, 1961 | 7:50 P. M. |
| 60. | April | 1, 1961 | 6:05 P. M. |
| 61. | April | 1, 1961 | 4:45 P. M. |
| 62. | March | 30, 1961 | 6:50 P. M. |
| 63. | March | 30, 1961 | 4:05 P. M. |
| 64. | March | 29, 1961 | 7:50 P. M. |
| 65. | March | 29, 1961 | 4:40 P. M. |
| 66. | March | 23, 1961 | 7:40 P. M. |
| 67. | March | 22, 1961 | 6:50 P. M. |
| 68. | March | 25, 1961 | 10:35 P. M. |
| 69. | March | 24, 1961 | 8:30 P. M. |
| 70. | April | 21, 1961 | 7:06 P. M. |
| 71. | April | 20, 1961 | 7:20 P. M. |
| 72. | April | 16, 1961 | 7:10 P. M. |
| 73. | April | 16, 1961 | 6:55 P. M. |
| 74. | April | 14, 1961 | 7:25 P. M. |
| 75. | April | 13, 1961 | 8:55 P. M. |
| 76. | April | 13, 1961 | 6:35 P. M. |
| 77. | April | 12, 1961 | 6:15 P. M. |
| 78. | March | 13, 1961 | 4:10 P. M. |
| 79. | March | 14, 1961 | 9:30 P. M. |
| 80. | March | 20, 1961 | 5:50 P. M. |
| 81. | March | 21, 1961 | 5:20 P. M. |
| 82. | March | 27, 1961 | 4:45 P. M. |
| 83. | March | 28, 1961 | 4:25 P. M. |
| 84. | March | 3, 1961 | 4:10 P. M. |
| 85. | March | 4, 1961 | 7:40 P. M. |
| 86. | March | 11, 1961 | 4:35 P. M. |
| 87. | May | 21, 1961 | 5:45 P. M. |
| 88. | May | 20, 1961 | 7:55 P. M. |
| 89. | May | 19, 1961 | 6:25 P. M. |
| 90. | May | 18, 1961 | 8:00 P. M. |
| 91. | May | 17, 1961 | 8:50 P. M. |
| 92. | May | 15, 1961 | 3:50 P. M. |
| 93. | April | 24, 1961 | 5:45 P. M. |
| 94. | April | 25, 1961 | 5:45 P. M. |
| 95. | May | 9, 1961 | 3:00 P. M. |
| 96. | May | 16, 1961 | 3:55 P. M. |
| 97. | May | 8, 1961 | 4:40 P. M. |
| 98. | June | 8, 1961 | 8:35 P. M. |
| 99. | June | 8, 1961 | 4:25 P. M. |
| 100. | June | 7, 1961 | 6:30 P. M. |

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| 101. | June | 3, 1961 | 4:45 P. M. |
| 102. | June | 2, 1961 | 6:45 P. M. |
| 103. | May | 31, 1961 | 6:50 P. M. |
| 104. | May | 24, 1961 | 4:40 P. M. |
| 105. | May | 24, 1961 | 9:40 P. M. |
| 106. | May | 25, 1961 | 4:35 P. M. |
| 107. | May | 25, 1961 | 7:25 P. M. |
| 108. | May | 26, 1961 | 5:55 P. M. |
| 109. | May | 27, 1961 | 3:30 P. M. |
| 110. | May | 27, 1961 | 3:45 P. M. |
| 111. | May | 27, 1961 | 8:35 P. M. |
| 112. | May | 28, 1961 | 5:50 P. M. |
| 113. | May | 28, 1961 | 6:10 P. M. |
| 114. | May | 14, 1961 | 6:05 P. M. |
| 115. | May | 13, 1961 | 3:30 P. M. |
| 116. | May | 12, 1961 | 6:20 P. M. |
| 117. | May | 11, 1961 | 5:05 P. M. |
| 118. | May | 10, 1961 | 3:25 P. M. |
| 119. | May | 7, 1961 | 5:50 P. M. |
| 120. | May | 6, 1961 | 3:15 P. M. |
| 121. | May | 4, 1961 | 5:35 P. M. |
| 122. | May | 3, 1961 | 4:10 P. M. |
| 123. | April | 30, 1961 | 6:40 P. M. |
| 124. | April | 30, 1961 | 6:25 P. M. |
| 125. | April | 29, 1961 | 6:05 P. M. |
| 126. | April | 28, 1961 | 4:50 P. M. |
| 127. | April | 27, 1961 | 9:05 P. M. |
| 128. | April | 26, 1961 | 9:23 P. M. |
| 129. | May | 23, 1961 | 7:15 P. M. |
| 130. | June | 29, 1961 | 3:45 P. M. |
| 131. | May | 30, 1961 | 4:20 P. M. |
| 132. | June | 5, 1961 | 2:55 P. M. |
| 133. | June | 6, 1961 | 4:10 P. M. |
| 134. | June | 12, 1961 | 2:50 P. M. |
| 135. | June | 13, 1961 | 3:30 P. M. |
| 136. | June | 14, 1961 | 5:20 P. M. |
| 137. | June | 14, 1961 | 4:15 P. M. |
| 138. | June | 15, 1961 | 3:45 P. M. |
| 139. | June | 15, 1961 | 5:35 P. M. |
| 140. | June | 16, 1961 | 4:00 P. M. |
| 141. | June | 16, 1961 | 3:05 P. M. |
| 142. | June | 17, 1961 | 3:40 P. M. |
| 143. | June | 19, 1961 | 3:15 P. M. |
| 144. | June | 19, 1961 | 3:05 P. M. |
| 145. | June | 20, 1961 | 4:20 P. M. |
| 146. | June | 26, 1961 | 5:00 P. M. |

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| 147. | June | 27, 1961 | 2:30 P. M. |
| 148. | July | 3, 1961 | 4:15 P. M. |
| 149. | July | 3, 1961 | 7:55 P. M. |
| 150. | July | 3, 1961 | 6:50 P. M. |
| 151. | July | 18, 1961 | 7:40 P. M. |
| 152. | July | 24, 1961 | 6:50 P. M. |
| 153. | July | 25, 1961 | 2:50 P. M. |
| 154. | July | 25, 1961 | 7:40 P. M. |
| 155. | August | 1, 1961 | 6:35 P. M. |
| 156. | August | 7, 1961 | 8:05 P. M. |
| 157. | August | 8, 1961 | 4:00 P. M. |
| 158. | August | 15, 1961 | 4:25 P. M. |
| 159. | August | 21, 1961 | 3:10 P. M. |
| 160. | August | 22, 1961 | 2:50 P. M. |

2. The Carrier will compensate the operator on duty at "MH" Newell at the time of the violations, eight hours at the pro rata rate of \$2.688 per hour. Claim is presented for \$21.19 for each and every violation listed above.

CLAIM NO. 3

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Telegraphers' Agreement, at McKees Rocks, Pennsylvania, East Yard, to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

| | | | |
|-----|----------|----------|-------------------|
| 1. | November | 16, 1960 | 7:00 P. M. |
| 2. | November | 18, 1960 | 3:15 A. M. |
| 3. | November | 18, 1960 | 3:25 A. M. |
| 4. | November | 18, 1960 | 2:22 A. M. |
| 5. | November | 18, 1960 | 2:59 A. M. |
| 6. | November | 18, 1960 | 3:35 A. M. |
| 7. | November | 18, 1960 | 3:40 - 4:00 P. M. |
| 8. | November | 18, 1960 | 9:05 P. M. |
| 9. | November | 19, 1960 | 7:45 P. M. |
| 10. | November | 19, 1960 | 7:45 P. M. |
| 11. | November | 20, 1960 | 8:45 P. M. |
| 12. | November | 20, 1960 | 7:25 P. M. |
| 13. | November | 23, 1960 | 6:00 A. M. |
| 14. | November | 23, 1960 | 5:45 P. M. |
| 15. | November | 24, 1960 | 2:30 A. M. |
| 16. | November | 24, 1960 | 5:30 A. M. |
| 17. | November | 24, 1960 | 7:55 P. M. |
| 18. | November | 24, 1960 | 8:30 P. M. |
| 19. | November | 25, 1960 | 1:00 A. M. |
| 20. | November | 25, 1960 | 4:00 P. M. |

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| 21. | November | 26, 1960 | 1:00 A. M. |
| 22. | November | 26, 1960 | 4:30 P. M. |
| 23. | November | 27, 1960 | 10:00 P. M. |
| 24. | November | 27, 1960 | 7:45 P. M. |
| 25. | November | 28, 1960 | 11:00 P. M. |
| 26. | November | 27, 1960 | 11:15 A. M. |
| 27. | November | 27, 1960 | 11:15 A. M. |
| 28. | November | 27, 1960 | 11:35 A. M. |
| 29. | November | 27, 1960 | 1:00 A. M. |
| 30. | November | 27, 1960 | 12:30 A. M. |
| 31. | November | 28, 1960 | 3:30 A. M. |
| 32. | December | 1, 1960 | 9:05 P. M. |
| 33. | December | 1, 1960 | 9:50 P. M. |
| 34. | March | 23, 1961 | 6:50 A. M. |
| 35. | March | 2, 1961 | 7:40 P. M. |
| 36. | March | 23, 1961 | 8:05 P. M. |
| 37. | March | 23, 1961 | 4:40 P. M. |
| 38. | March | 2, 1961 | 9:25 P. M. |
| 39. | March | 9, 1961 | 8:40 P. M. |
| 40. | March | 10, 1961 | 3:30 A. M. |
| 41. | March | 3, 1961 | 7:30 A. M. |
| 42. | March | 12, 1961 | |
| 43. | March | 2, 1961 | 2:20 A. M. |
| 44. | March | 2, 1961 | 7:30 A. M. |
| 45. | March | 10, 1961 | 3:30 A. M. |
| 46. | March | 10, 1961 | 3:30 A. M. |
| 47. | March | 2, 1961 | 2:50 A. M. |
| 48. | March | 2, 1961 | 2:15 A. M. |
| 49. | March | 2, 1961 | 2:15 A. M. |
| 50. | March | 2, 1961 | 2:30 A. M. |
| 51. | March | 3, 1961 | 1:45 A. M. |
| 52. | March | 5, 1961 | (In the A. M.) |
| 53. | March | 6, 1961 | 9:50 P. M. |
| 54. | March | 6, 1961 | 8:00 P. M. |
| 55. | March | 7, 1961 | 10:20 P. M. |
| 56. | March | 7, 1961 | 7:35 P. M. |
| 57. | March | 8, 1961 | 11:10 P. M. |
| 58. | March | 17, 1961 | 12:35 A. M. |
| 59. | March | 16, 1961 | 1:05 A. M. |
| 60. | March | 17, 1961 | 4:40 A. M. |
| 61. | March | 10, 1961 | 3:00 A. M. |
| 62. | March | 14, 1961 | 10:50 P. M. |
| 63. | March | 14, 1961 | 8:00 P. M. |
| 64. | March | 13, 1961 | 10:05 P. M. |
| 65. | March | 13, 1961 | 7:50 P. M. |
| 66. | March | 21, 1961 | 10:20 P. M. |

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| 67. | March | 21, 1961 | 8:20 P. M. |
| 68. | March | 23, 1961 | 4:45 A. M. |
| 69. | March | 21, 1961 | 5:50 P. M. |
| 70. | March | 20, 1961 | 7:20 P. M. |
| 71. | March | 20, 1961 | 10:55 P. M. |
| 72. | March | 24, 1961 | 5:30 A. M. |
| 73. | March | 31, 1961 | 4:50 A. M. |
| 74. | March | 26, 1961 | 9:45 A. M. |
| 75. | March | 31, 1961 | 3:45 A. M. |
| 76. | March | 27, 1961 | 10:15 P. M. |
| 77. | March | 27, 1961 | 8:15 P. M. |
| 78. | March | 30, 1961 | 5:15 A. M. |

2. Carrier will compensate the operator on duty at "CH" Tower at the time of the violations, eight hours at the pro rata rate of \$2.826 per hour. Claim is presented for \$22.608 for each and every violation listed above.

CLAIM NO. 4

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Telegraphers' Agreement, at Youngstown, Ohio to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

| | | | |
|-----|-------|----------|-------------|
| 1. | March | 7, 1961 | 11:30 P. M. |
| 2. | March | 8, 1961 | 12:30 A. M. |
| 3. | March | 8, 1961 | 3:00 A. M. |
| 4. | March | 9, 1961 | 12:15 A. M. |
| 5. | March | 9, 1961 | 1:00 A. M. |
| 6. | March | 9, 1961 | 2:30 A. M. |
| 7. | March | 10, 1961 | 1:30 A. M. |
| 8. | March | 10, 1961 | 3:00 A. M. |
| 9. | March | 10, 1961 | 12:30 A. M. |
| 10. | March | 10, 1961 | 11:30 P. M. |
| 11. | March | 11, 1961 | 1:30 A. M. |
| 12. | March | 11, 1961 | 2:00 A. M. |
| 13. | March | 17, 1961 | 2:15 A. M. |
| 14. | March | 17, 1961 | 3:00 A. M. |
| 15. | March | 18, 1961 | 1:00 A. M. |
| 16. | March | 18, 1961 | 2:20 A. M. |
| 17. | March | 18, 1961 | 2:30 A. M. |
| 18. | March | 18, 1961 | 11:55 P. M. |
| 19. | March | 19, 1961 | 12:20 A. M. |
| 20. | March | 19, 1961 | 1:00 A. M. |
| 21. | March | 22, 1961 | 11:15 P. M. |
| 22. | March | 23, 1961 | 12:30 A. M. |

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| 23. | March | 23, 1961 | 3:00 A. M. |
| 24. | March | 24, 1961 | 2:15 A. M. |
| 25. | March | 24, 1961 | 2:35 A. M. |
| 26. | March | 24, 1961 | 3:15 A. M. |
| 27. | March | 24, 1961 | 11:15 P. M. |
| 28. | March | 25, 1961 | 12:15 A. M. |
| 29. | March | 25, 1961 | 12:45 A. M. |
| 30. | March | 25, 1961 | 4:05 A. M. |
| 31. | March | 25, 1961 | 11:30 P. M. |
| 32. | March | 26, 1961 | 1:20 A. M. |
| 33. | March | 28, 1961 | 12:15 A. M. |
| 34. | March | 28, 1961 | 2:30 A. M. |
| 35. | March | 29, 1961 | 12:35 A. M. |
| 36. | March | 29, 1961 | 1:15 A. M. |
| 37. | March | 29, 1961 | 3:00 A. M. |
| 38. | March | 29, 1961 | 12:00 Midnight |
| 39. | March | 29, 1961 | 11:35 P. M. |
| 40. | March | 30, 1961 | 2:35 A. M. |
| 41. | March | 30, 1961 | 1:40 A. M. |
| 42. | March | 30, 1961 | 3:10 A. M. |
| 43. | March | 31, 1961 | 1:15 A. M. |
| 44. | March | 31, 1961 | 2:20 A. M. |
| 45. | March | 31, 1961 | 3:55 A. M. |

2. Carrier will compensate the operator on duty at "RS" Asst. at the time of the violations, eight hours at the pro rata rate of \$2.59 per hour. Claim is presented for \$20.72 for each and every violation listed above.

CLAIM NO. 5

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Agreement, at Gateway Yard, Struthers, Ohio, to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

| | | | |
|-----|------|----------|-------------|
| 1. | May | 27, 1961 | 2:05 A. M. |
| 2. | May | 27, 1961 | 3:00 A. M. |
| 3. | May | 27, 1961 | 3:25 A. M. |
| 4. | May | 27, 1961 | 4:05 A. M. |
| 5. | May | 27, 1961 | 5:00 A. M. |
| 6. | June | 1, 1961 | 12:15 A. M. |
| 7. | June | 1, 1961 | 3:30 A. M. |
| 8. | June | 1, 1961 | 3:00 A. M. |
| 9. | June | 1, 1961 | 2:30 A. M. |
| 10. | June | 1, 1961 | 5:15 A. M. |
| 11. | June | 2, 1961 | 10:30 P. M. |

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| 12. | June | 2, 1961 | 11:45 P. M. |
| 13. | June | 3, 1961 | 12:15 A. M. |
| 14. | June | 3, 1961 | 12:30 A. M. |
| 15. | June | 3, 1961 | 4:30 A. M. |
| 16. | June | 3, 1961 | 10:30 P. M. |
| 17. | June | 4, 1961 | 2:15 A. M. |
| 18. | June | 4, 1961 | 2:30 A. M. |
| 19. | June | 4, 1961 | 3:00 A. M. |
| 20. | June | 4, 1961 | 3:45 A. M. |
| 21. | June | 8, 1961 | 1:40 A. M. |
| 22. | June | 8, 1961 | 4:00 A. M. |
| 23. | June | 8, 1961 | 2:40 A. M. |
| 24. | June | 9, 1961 | 12:30 A. M. |
| 25. | June | 9, 1961 | 1:00 A. M. |
| 26. | June | 9, 1961 | 3:00 A. M. |
| 27. | June | 9, 1961 | 2:30 A. M. |
| 28. | June | 9, 1961 | 3:45 A. M. |
| 29. | June | 9, 1961 | 4:35 A. M. |
| 30. | June | 13, 1961 | 11:40 P. M. |
| 31. | June | 14, 1961 | 4:00 A. M. |
| 32. | June | 14, 1961 | 3:00 A. M. |
| 33. | June | 14, 1961 | 3:30 A. M. |
| 34. | June | 13, 1961 | 11:20 P. M. |
| 35. | June | 14, 1961 | 11:40 P. M. |
| 36. | June | 15, 1961 | 2:45 A. M. |
| 37. | June | 15, 1961 | 3:30 A. M. |
| 38. | June | 15, 1961 | 3:50 A. M. |
| 39. | June | 15, 1961 | 4:10 A. M. |
| 40. | June | 16, 1961 | 12:30 A. M. |
| 41. | June | 16, 1961 | 1:00 A. M. |
| 42. | June | 16, 1961 | 2:20 A. M. |
| 43. | June | 16, 1961 | 3:20 A. M. |
| 44. | June | 16, 1961 | 4:45 A. M. |
| 45. | June | 16, 1961 | 11:45 P. M. |
| 46. | June | 16, 1961 | 8:00 P. M. |
| 47. | June | 16, 1961 | 11:15 P. M. |
| 48. | June | 16, 1961 | 11:59 P. M. |
| 49. | June | 17, 1961 | 2:00 A. M. |
| 50. | June | 17, 1961 | 4:00 A. M. |
| 51. | June | 17, 1961 | 2:50 P. M. |
| 52. | June | 17, 1961 | 9:00 P. M. |
| 53. | June | 17, 1961 | 10:30 P. M. |
| 54. | June | 20, 1961 | 7:40 A. M. |
| 55. | June | 20, 1961 | 1:20 P. M. |
| 56. | June | 20, 1961 | 10:15 P. M. |
| 57. | June | 21, 1961 | 12:30 A. M. |

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| 58. | June | 21, 1961 | 1:30 A. M. |
| 59. | June | 21, 1961 | 6:30 A. M. |
| 60. | June | 21, 1961 | 10:25 P. M. |
| 61. | June | 22, 1961 | 12:15 A. M. |
| 62. | June | 22, 1961 | 12:45 A. M. |
| 63. | June | 22, 1961 | 1:30 A. M. |
| 64. | June | 22, 1961 | 2:00 A. M. |
| 65. | June | 22, 1961 | 3:00 A. M. |
| 66. | June | 22, 1961 | 11:00 A. M. |
| 67. | June | 22, 1961 | 6:00 P. M. |
| 68. | June | 22, 1961 | 10:15 P. M. |
| 69. | June | 23, 1961 | 5:00 A. M. |
| 70. | June | 23, 1961 | 5:30 A. M. |
| 71. | June | 23, 1961 | 12:00 Noon |
| 72. | June | 23, 1961 | 8:00 A. M. |
| 73. | June | 23, 1961 | 6:00 A. M. |
| 74. | June | 24, 1961 | 12:45 A. M. |
| 75. | June | 24, 1961 | 2:00 A. M. |
| 76. | June | 24, 1961 | 2:30 A. M. |
| 77. | June | 24, 1961 | 2:45 A. M. |
| 78. | June | 24, 1961 | 12:30 P. M. |
| 79. | June | 24, 1961 | 7:40 P. M. |
| 80. | June | 25, 1961 | 2:00 A. M. |
| 81. | June | 25, 1961 | 3:10 A. M. |
| 82. | June | 25, 1961 | 3:30 A. M. |
| 83. | June | 28, 1961 | 1:00 A. M. |
| 84. | June | 28, 1961 | 3:00 A. M. |
| 85. | June | 28, 1961 | 4:00 A. M. |
| 86. | June | 28, 1961 | 6:50 P. M. |
| 87. | June | 28, 1961 | 10:15 P. M. |
| 88. | June | 29, 1961 | 12:15 A. M. |
| 89. | June | 29, 1961 | 1:00 A. M. |
| 90. | June | 29, 1961 | 2:00 A. M. |
| 91. | June | 29, 1961 | 8:00 A. M. |
| 92. | June | 29, 1961 | 1:00 A. M. |
| 93. | July | 1, 1961 | 1:20 A. M. |
| 94. | July | 1, 1961 | 2:30 A. M. |
| 95. | July | 1, 1961 | 3:15 A. M. |
| 96. | July | 1, 1961 | 6:50 A. M. |
| 97. | July | 1, 1961 | 12:25 P. M. |
| 98. | July | 1, 1961 | 9:00 P. M. |
| 99. | July | 4, 1961 | 12:05 A. M. |
| 100. | July | 4, 1961 | 12:45 A. M. |
| 101. | July | 4, 1961 | 12:30 P. M. |
| 102. | July | 4, 1961 | 1:10 P. M. |
| 103. | July | 5, 1961 | 12:40 A. M. |

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| 104. | July | 5, 1961 | 1:00 A. M. |
| 105. | July | 5, 1961 | 11:30 A. M. |
| 106. | July | 5, 1961 | 9:00 P. M. |
| 107. | July | 5, 1961 | 10:55 P. M. |
| 108. | July | 6, 1961 | 1:30 A. M. |
| 109. | July | 6, 1961 | 6:20 A. M. |
| 110. | July | 6, 1961 | 6:50 A. M. |
| 111. | July | 6, 1961 | 12:40 P. M. |
| 112. | July | 6, 1961 | 8:15 P. M. |
| 113. | July | 6, 1961 | 9:00 P. M. |
| 114. | July | 7, 1961 | 1:45 A. M. |
| 115. | July | 7, 1961 | 2:00 A. M. |
| 116. | July | 7, 1961 | 11:30 A. M. |
| 117. | July | 7, 1961 | 8:00 P. M. |
| 118. | July | 8, 1961 | 12:15 A. M. |
| 119. | July | 8, 1961 | 3:35 A. M. |
| 120. | July | *8, 1961 | 4:00 A. M. |
| 121. | July | 8, 1961 | 9:05 A. M. |
| 122. | July | 8, 1961 | 11:40 A. M. |
| 123. | July | 8, 1961 | 9:15 P. M. |
| 124. | July | 9, 1961 | 2:00 A. M. |
| 125. | July | 11, 1961 | 1:30 A. M. |
| 126. | July | 11, 1961 | 11:30 A. M. |
| 127. | July | 11, 1961 | 7:00 P. M. |
| 128. | July | 11, 1961 | 12:00 Midnight |
| 129. | July | 12, 1961 | 1:00 A. M. |
| 130. | July | 12, 1961 | 11:30 A. M. |
| 131. | July | 12, 1961 | 9:00 P. M. |
| 132. | July | 13, 1961 | 1:00 A. M. |
| 133. | July | 13, 1961 | 2:30 A. M. |
| 134. | July | 13, 1961 | 3:00 A. M. |
| 135. | July | 13, 1961 | 11:00 A. M. |
| 136. | July | 13, 1961 | 8:40 P. M. |
| 137. | July | 14, 1961 | 1:10 A. M. |
| 138. | July | 14, 1961 | 5:50 A. M. |
| 139. | July | 14, 1961 | 7:30 A. M. |
| 140. | July | 14, 1961 | 2:40 P. M. |
| 141. | July | 14, 1961 | 11:00 P. M. |
| 142. | July | 14, 1961 | 11:55 P. M. |
| 143. | July | 15, 1961 | 12:45 A. M. |
| 144. | July | 15, 1961 | 5:30 A. M. |
| 145. | July | 15, 1961 | 11:05 A. M. |
| 146. | July | 15, 1961 | 8:40 A. M. |
| 147. | July | 16, 1961 | 1:00 A. M. |
| 148. | July | 16, 1961 | 1:45 A. M. |
| 149. | July | 16, 1961 | 2:15 A. M. |

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| 150. | July | 19, 1961 | 12:45 A. M. |
| 151. | July | 19, 1961 | 12:15 P. M. |
| 152. | July | 19, 1961 | 8:25 P. M. |
| 153. | July | 19, 1961 | 10:15 P. M. |
| 154. | July | 19, 1961 | 10:30 P. M. |
| 155. | July | 20, 1961 | 12:15 A. M. |
| 156. | July | 20, 1961 | 12:35 A. M. |
| 157. | July | 20, 1961 | 2:55 P. M. |
| 158. | July | 20, 1961 | 8:25 P. M. |
| 159. | July | 20, 1961 | 11:35 P. M. |
| 160. | July | 21, 1961 | 2:00 A. M. |
| 161. | July | 21, 1961 | 3:15 A. M. |
| 162. | July | 21, 1961 | 6:40 P. M. |
| 163. | July | 21, 1961 | 9:20 P. M. |
| 164. | July | 21, 1961 | 11:25 P. M. |
| 165. | July | 21, 1961 | 11:50 P. M. |
| 166. | July | 22, 1961 | 2:10 A. M. |
| 167. | July | 22, 1961 | 1:30 A. M. |
| 168. | July | 22, 1961 | 4:30 A. M. |
| 169. | July | 22, 1961 | 12:30 P. M. |
| 170. | July | 22, 1961 | 7:30 P. M. |
| 171. | July | 22, 1961 | 8:35 P. M. |
| 172. | July | 25, 1961 | 12:50 A. M. |
| 173. | July | 25, 1961 | 3:20 A. M. |
| 174. | July | 25, 1961 | 3:50 A. M. |
| 175. | July | 25, 1961 | 1:35 P. M. |
| 176. | July | 25, 1961 | 5:30 P. M. |
| 177. | July | 25, 1961 | 8:40 P. M. |
| 178. | July | 27, 1961 | 12:45 A. M. |
| 179. | July | 27, 1961 | 1:05 A. M. |
| 180. | July | 27, 1961 | 1:50 A. M. |
| 181. | July | 27, 1961 | 11:00 A. M. |
| 182. | July | 27, 1961 | 9:30 P. M. |
| 183. | July | 27, 1961 | 10:00 P. M. |
| 184. | July | 27, 1961 | 11:50 P. M. |
| 185. | July | 28, 1961 | 12:40 A. M. |
| 186. | July | 28, 1961 | 3:20 A. M. |
| 187. | July | 28, 1961 | 7:00 A. M. |
| 188. | July | 28, 1961 | 9:00 A. M. |
| 189. | July | 28, 1961 | 6:25 P. M. |
| 190. | July | 28, 1961 | 11:25 P. M. |
| 191. | July | 29, 1961 | 12:10 A. M. |
| 192. | July | 29, 1961 | 12:45 A. M. |
| 193. | July | 29, 1961 | 2:15 A. M. |
| 194. | July | 29, 1961 | 12:45 P. M. |
| 195. | July | 29, 1961 | 7:50 P. M. |

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| 196. | July | 29, 1961 | 11:00 P. M. |
| 197. | July | 29, 1961 | 11:20 P. M. |
| 198. | July | 30, 1961 | 1:15 A. M. |
| 199. | July | 30, 1961 | 1:45 A. M. |
| 200. | August | 1, 1961 | 4:10 A. M. |
| 201. | August | 1, 1961 | 4:55 A. M. |
| 202. | August | 1, 1961 | 6:00 A. M. |
| 203. | August | 1, 1961 | 7:30 P. M. |
| 204. | August | 1, 1961 | 7:55 P. M. |
| 205. | August | 2, 1961 | 6:10 A. M. |
| 206. | August | 2, 1961 | 7:25 A. M. |
| 207. | August | 2, 1961 | 8:00 A. M. |
| 208. | August | 2, 1961 | 5:30 P. M. |
| 209. | August | 2, 1961 | 8:45 P. M. |
| 210. | August | 2, 1961 | 10:15 P. M. |
| 211. | August | 2, 1961 | 10:30 P. M. |
| 212. | August | 3, 1961 | 12:05 A. M. |
| 213. | August | 3, 1961 | 1:00 A. M. |
| 214. | August | 3, 1961 | 1:15 A. M. |
| 215. | August | 3, 1961 | 2:00 A. M. |
| 216. | August | 3, 1961 | 2:35 A. M. |
| 217. | August | 3, 1961 | 6:00 P. M. |
| 218. | August | 3, 1961 | 7:15 A. M. |
| 219. | August | 3, 1961 | 9:35 P. M. |
| 220. | August | 3, 1961 | 9:35 P. M. |
| 221. | August | 4, 1961 | 12:05 A. M. |
| 222. | August | 4, 1961 | 12:30 A. M. |
| 223. | August | 4, 1961 | 2:00 A. M. |
| 224. | August | 4, 1961 | 3:00 P. M. |
| 225. | August | 4, 1961 | 8:20 P. M. |
| 226. | August | 5, 1961 | 2:15 A. M. |
| 227. | August | 5, 1961 | 2:40 A. M. |
| 228. | August | 5, 1961 | 3:30 A. M. |
| 229. | August | 5, 1961 | 3:50 A. M. |
| 230. | August | 5, 1961 | 12:30 P. M. |
| 231. | August | 5, 1961 | 8:05 P. M. |
| 232. | August | 6, 1961 | 12:15 A. M. |
| 233. | August | 6, 1961 | 12:30 A. M. |
| 234. | August | 6, 1961 | 2:00 A. M. |
| 235. | August | 6, 1961 | 2:40 A. M. |
| 236. | August | 6, 1961 | 4:45 A. M. |
| 237. | August | 8, 1961 | 12:05 A. M. |
| 238. | August | 8, 1961 | 2:15 A. M. |
| 239. | August | 8, 1961 | 2:45 A. M. |
| 240. | August | 8, 1961 | 10:30 A. M. |
| 241. | August | 8, 1961 | 6:30 P. M. |

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| 242. | August | 8, 1961 | 6:30 P. M. |
| 243. | August | 9, 1961 | 12:30 A. M. |
| 244. | August | 9, 1961 | 1:00 A. M. |
| 245. | August | 9, 1961 | 2:00 A. M. |
| 246. | August | 9, 1961 | 2:30 A. M. |
| 247. | August | 9, 1961 | 7:45 A. M. |
| 248. | August | 9, 1961 | 12:30 P. M. |
| 249. | August | 9, 1961 | 8:10 P. M. |
| 250. | August | 10, 1961 | 12:05 A. M. |
| 251. | August | 10, 1961 | 2:00 A. M. |
| 252. | August | 10, 1961 | 2:30 A. M. |
| 253. | August | 10, 1961 | 2:35 P. M. |
| 254. | August | 10, 1961 | 8:15 P. M. |
| 255. | August | 10, 1961 | 10:45 P. M. |
| 256. | August | 10, 1961 | 9:00 P. M. |
| 257. | August | 11, 1961 | 1:00 A. M. |
| 258. | August | 11, 1961 | 1:35 A. M. |
| 259. | August | 11, 1961 | 2:00 A. M. |
| 260. | August | 11, 1961 | 8:00 A. M. |
| 261. | August | 11, 1961 | 2:15 P. M. |
| 262. | August | 11, 1961 | 9:15 P. M. |
| 263. | August | 11, 1961 | 11:30 and 11:55 P. M. |
| 264. | August | 12, 1961 | 4:00 A. M. |
| 265. | August | 12, 1961 | 5:30 A. M. |
| 266. | August | 12, 1961 | 6:30 A. M. |
| 267. | August | 12, 1961 | 7:00 P. M. |
| 268. | August | 12, 1961 | 7:45 P. M. |
| 269. | August | 12, 1961 | 8:15 P. M. |
| 270. | August | 12, 1961 | 10:20 P. M. |
| 271. | August | 13, 1961 | 1:45 A. M. |
| 272. | August | 13, 1961 | 3:15 A. M. |
| 273. | August | 16, 1961 | 1:45 A. M. |
| 274. | August | 16, 1961 | 2:30 A. M. |
| 275. | August | 16, 1961 | 12:05 P. M. |
| 276. | August | 16, 1961 | 2:25 and 3:00 P. M. |
| 277. | August | 16, 1961 | 8:20 P. M. |
| 278. | August | 17, 1961 | 1:25 A. M. |
| 279. | August | 17, 1961 | 2:00 A. M. |
| 280. | August | 17, 1961 | 2:30 A. M. |
| 281. | August | 17, 1961 | 3:00 P. M. |
| 282. | August | 17, 1961 | 4:45 A. M. |
| 283. | August | 17, 1961 | 4:00 P. M. |
| 284. | August | 17, 1961 | 11:15 P. M. |
| 285. | August | 17, 1961 | 11:30 P. M. |
| 286. | August | 18, 1961 | 12:30 A. M. |
| 287. | August | 18, 1961 | 2:15 A. M. |

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| 288. | August | 18, 1961 | 9:30 A. M. |
| 289. | August | 18, 1961 | 11:30 A. M. |
| 290. | August | 18, 1961 | 9:15 P. M. |
| 291. | August | 19, 1961 | 1:15 A. M. |
| 292. | August | 19, 1961 | 12:45 A. M. |
| 293. | August | 19, 1961 | 3:15 A. M. |
| 294. | August | 19, 1961 | 4:00 A. M. |
| 295. | August | 19, 1961 | 4:45 A. M. |
| 296. | August | 19, 1961 | 12:45 P. M. |
| 297. | August | 19, 1961 | 2:15 P. M. |
| 298. | August | 19, 1961 | 8:15 P. M. |
| 299. | August | 19, 1961 | 9:30 P. M. |
| 300. | August | 19, 1961 | 11:25 P. M. |

2. The Carrier will compensate the operators on duty at "RS" Asst. at the time of the violations, eight hours at the pro rata rate of \$2.59 per hour. Claim is presented for \$20.72 for each and every violation listed above.

EMPLOYEES' STATEMENT OF FACTS: This dispute arose when the Carrier removed the work of transmitting wheel reports from the Telegraphers at Dickerson Run, Pennsylvania in Claim No. 1; Newell Yard in Claim No. 2; McKees Rocks, Pennsylvania East Yard in Claim No. 3; Youngstown, Ohio in Claim No. 4; and Gateway Yard, Struthers, Ohio in Claim No. 5. It will be noted that the claim dates in Claim No. 5 at Gateway Yard are dates following the violations cited in a previous claim served on your Board under ORT File 3376. At each location the Carrier removed the work from the Telegraphers and required clerks, not covered by the agreement, to perform the work that had previously been done by the Telegraphers. Prior to the date of the beginning of these claims, the Carrier sent the following instructions:

"Newell, Pennsylvania
June 2, 1960

All Road Conductors:

Effective at once all Road Conductors must leave their wheel reports and delay reports in the Scale Office on the Operator's desk downstairs. When through with wheel reports the Operators will then return same to the Yard Office.

/s/ H. P. Schultz
General Yard Master

cc: C. M. Lingle
W. S. Coleman"

In connection with the above instructions the Carrier sent two officials to Dickerson Run to properly instruct the telegraph operators in how to transmit the wheel reports by teletype to "BE" Office, Pittsburgh, Pennsylvania. The following instructions were issued by the Carrier at Dickerson Run, Pennsylvania:

"Dickerson Run, Pa.
May 20, 1960
File 18

Yard Clerks at D Run
Yardmasters and all concerned:

Under date of August 23, 1961, carrier discontinued the operation described above due to the inadequacy of the information received, as well as the fact that the program instituted on October 10, 1960, was found not to be serving a useful purpose. Since August 23, 1961, carrier has handled wheel reports by mail in the same manner as prior to October 10, 1960.

In addition to the claims contained in this dispute, the employes have filed additional claims of this nature in favor of the telegraph operator at Struthers, another of carrier's terminals. These claims are being handled with this Division by the Telegraphers' Organization in a separate ex parte submission, identified as Cases Nos. 1 through 129, File ORT 3376.

The claims of the Employes in this dispute are based on the allegation that clerks at various final terminals, i.e., Dickerson Run, Newell, McKees Rocks and Struthers, transmitted wheel reports to Pittsburgh, Pa., on various dates and times, and same was a violation of Article 1, Scope Rule, of the Telegraphers' Agreement.

Dickerson Run, Newell, McKees Rocks and Struthers are final terminals for road crews, thus wheel reports, as set forth above, have been telephoned by clerks from these terminals to the Consolidated Tabulating Bureau in Pittsburgh, Pa.

On December 11, 1961, carrier received a copy of President Leighty's letter dated December 8, 1961, to Executive Secretary Schully of the Third Division, National Railroad Adjustment Board, advising the Division of its intention to submit the dispute to the Board for adjudication.

The claims identified as Case Nos. 21 through 43, as listed in Section 1 of the Employes' Claim No. 2, have not been progressed to or denied by the Director of Personnel, the highest officer of the carrier designated to handle claims and grievances.

The claims identified as Case No. 44 of Claim No. 1, Cases Nos. 153 through 160, and Cases Nos. 125 through 300 of Claim No. 5, were presented to this Division prior to handling with carrier's Director of Personnel.

The claims identified as Cases Nos. 1 through 46 of Claim No. 3 have been changed or amended when presented to this Division, and are not the same claims that were handled on the property.

All claims progressed to the Director of Personnel were denied on the basis that the work in connection with handling wheel reports has always been performed by clerks and the telephoning of information from wheel reports by clerks was not in violation of the Telegraphers' Agreement.

(Exhibits not reproduced.)

OPINION OF BOARD: Because the issue and facts in this Docket are identical with those in Award 14932, which was this day denied, a denial Award is likewise required in this Docket.

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 Employes involved in this dispute are respectively Carrier and Employes 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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 16th day of November 1966.