



Award No. 14962

Docket No. TE-12833

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Aruthr W. Devine, Referee

PARTIES TO DISPUTE:

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

THE NEW YORK, CHICAGO AND ST. LOUIS
RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York, Chicago and St. Louis Railroad, that:

1. The Carrier violated the terms of an Agreement between the parties hereto, when commencing June 1, 1960, it required or permitted train service employes not covered by said Agreement to handle train orders at North East, Pennsylvania, outside the assigned hours of the agent-operator.

2. The Carrier further violated said Agreement when it failed to notify the General Chairman (Claimant's representative) within sixty (60) days from the date upon which the claim was filed its reasons for disallowance of the claim.

3. The Carrier, shall, because of the violations set out in parts 1 and 2 of this statement of claim, pay the agent-operator at North East, Pennsylvania, a two (2) hour call for each date Monday through Friday, and a three (3) hour call for each Saturday, Sunday and/or holiday commencing June 1, 1960, and terminating July 10, 1960, the latter date being the date upon which Carrier corrected the violation, in accordance with the provisions of Rules 30 and 15 subparagraph L, and Rule 16 of the parties' Agreement.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an agreement by and between the parties to this dispute, effective January 1, 1959, and as otherwise amended.

North East, Pennsylvania, is a one-man agency station located on Carrier's Buffalo Division. It has always been the contractual right of the occupant of the agency position at this one-man station, under the provisions of Rule 30 of the parties' agreement and prior to Rule 30, under Rule 1 — Scope — to "handle" (receive, copy and deliver) train orders and clearance cards for trains tying up at his station.

clearance form delivery was taken care of in the manner described. The claim was declined and handled in the usual manner, the correspondence in connection therewith being shown in the following Carrier's Exhibits:

Exhibit A — June 30, 1960 — Claim — General Chairman to Superintendent.

Exhibit B — July 11, 1960 — Denial of Claim — Superintendent to General Chairman

Exhibit C — September 2, 1960 — Appeal — General Chairman to General Superintendent.

Exhibit D — October 14, 1960 — Denial of Appeal — General Superintendent to General Chairman.

Exhibit E — November 2, 1960 — Appeal — General Chairman to Director of Personnel.

Exhibit F — December 8, 1960 — Denial of Appeal — Director of Personnel to General Chairman.

Exhibit G — March 21, 1961 — Affirmation of Denial — Director of Personnel to General Chairman.

Exhibit H — April 10, 1961 — Letter — General Chairman to Director of Personnel asking that the claim be reconsidered.

Exhibit I — April 27, 1961 — Reaffirmation of Denial — Director of Personnel to General Chairman.

(Exhibits not reproduced.)

OPINION OF BOARD: The instant dispute involves a matter which has been before this Board on a number of occasions.

This is a question of the interpretation of the words, "handling train orders."

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 in the bill box.

Subsequently in the absence of a telegrapher on duty at the office, the clearance and train orders were picked up from the 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, 11807, 11822, 12240, 12967, 13152, 13160, 13343, 13712, 13713, 13870, 14307.

Claim is sustained for twenty-eight (28) two (2) hour calls.

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.

AWARD

Claim sustained as stated in Opinion.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1966.