

Award No. 15556
Docket No. TE-14766

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

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

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago, Rock Island and Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when on February 27, 1963, it required or permitted an employe at its Amarillo, Texas Yard Office, who is not within the scope of said Agreement, to receive, copy and relay a message of record from the dispatcher at El Reno, Oklahoma for the diesel mechanic at the Diesel Shed at Amarillo.

2. Carrier shall be required to compensate I. W. Cates, the senior telegrapher employed at Amarillo and off duty at the time of the violation, one call as provided by the applicable rule of the current Agreement.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective August 1, 1947 (reprinted to include Interpretations and Special Agreements to November 1, 1956), as amended and supplemented, is available to your Board and by this reference is made a part hereof.

There are two positions covered by the Agreement at the Amarillo, Texas Passenger Station. The hours of assignment of the first shift are 6:30 A.M. to 2:30 P.M., and the assigned hours of the second shift are 6:00 P.M. to 2:00 A.M. Both are seven day positions with rest day relief by a regularly assigned relief employe. I. U. Cates is regularly assigned to the second shift position and was off duty and available for service at the time of the violation of the Agreement giving rise to this dispute.

Carrier also maintains a yard office at Amarillo with the usual complement of yard forces. The yard office at Amarillo is located some distance from the passenger station.

At 7:50 A.M. on February 27, 1963, the Chief Dispatcher at El Reno, Oklahoma, who has jurisdiction over trains moving eastward from Amarillo, telephoned a message to a yard clerk at the Amarillo Yard Office to

Printer and Teletype Operators
Tower and Train Directors
Towermen
Levermen
Block Operators

herein referred to as 'telegrapher(s)' and/or 'employee(s)'."

6. Rule 24 of the Telegraphers' Agreement reads as follows:

"RULE 24.

HANDLING OF TRAIN ORDERS

No employe other than covered by this schedule and train dispatchers will be permitted to handle train orders at telegraph or telephone offices where an operator is employed, can be promptly located and is available, except in an emergency, in which case the telegrapher will be notified and paid for the call. (See Memorandum No. 27, page 111.)"

OPINION OF BOARD: In the light of our Award No. 15555, we must and do hold that a message from the Chief Dispatcher via the Yard Clerk directed to the diesel mechanic to

"Add three units 97-A, 98-B, 73-B on point No. 22 at Amarillo."

does constitute a message directly relating to the movement of trains. A sustaining Award is, therefore, required.

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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 12th day of May 1967.

**CARRIER MEMBERS' DISSENT TO AWARD 15556,
DOCKET TE-14766 (Referee Lynch)**

For reasons known to the majority, we dissent.

G. L. Naylor
R. E. Black
T. F. Strunck
P. C. Carter
G. C. White

**RESPONSE TO CARRIER MEMBERS' DISSENT
TO AWARDS 15555, DOCKET TE-14060,
AND 15556, DOCKET TE-14766**

The undersigned members of the majority which adopted Awards 15555
and 15556 have no knowledge of any reason for the Carrier Members' dissent.

J. W. Whitehouse
C. R. Barnes
G. P. Kasamis
C. E. Kief
Gerald Orndorff