

Award No. 15935
Docket No. TE-15093

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Bill Heskett, Referee

PARTIES TO DISPUTE:

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

GRAND TRUNK WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Grand Trunk Western Railroad, that:

1. Carrier violated the terms of an Agreement between the parties hereto when on July 17, 1963, it permitted or required the Yard Foreman at Durand, Michigan, an employe not covered by said Agreement, to copy a message affecting the movement of Yard Engine 7968 over the telephone from the Train Dispatcher at Durand, Michigan.

2. Carrier shall, because of the violation set out in paragraph one hereof, compensate H. Warden, idle on his rest day, a day's pay at the rest day rate.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the Grand Trunk Western Railroad Company, hereinafter referred to as Carrier, and its employes represented by The Order of Railroad Telegraphers, hereinafter referred to as Employees and/or Organization, effective November 1, 1955, and as otherwise amended. Copies of said Agreement are available to your Board and are, by this reference, made a part hereof.

Under Addendum No. 1 at Page 56 of said Agreement are listed the positions in effect at Durand, Michigan, on the effective date thereof. For ready reference, the listing reads:

" * * * * "

Durand.....	Day Chief Operator	\$2.117
	Night Chief Operator	2.021
	1st Operator	1.985
	2nd Operator	1.985
	3rd Operator	1.985
	4th Operator	1.985

* * * * "

Copies of the November 1, 1955 Working Agreement in effect between this Carrier and the Order of Railroad Telegraphers, are on file with the Third Division.

OPINION OF BOARD: There is no distinction between the facts in this case and those which arose in Award Number 15934. The parties are the same, the practice on the property is conceded in the Organization's submission and the issue is identical. Therefore, we will deny this claim on the same grounds as those set out in Award Number 15934.

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 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 17th day of November 1967.