



Award Number 17507

Docket Number TE-18046

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
THE NEW YORK, NEW HAVEN AND HARTFORD RAIL-
ROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the New York, New Haven & Hartford Railroad, that:

1. Carrier violated the provisions of the Transportation-Communication Employees Union Agreement when it failed to call and use the services of Operator G. E. Ford to perform the duties of Block Operator at Westfield, Massachusetts, July 19, 1967.
2. Carrier shall now compensate Mr. G. E. Ford for a two (2) hour call at the time and one-half rate of his position.

EMPLOYEES' STATEMENT OF FACTS:

(a) Statement of the Case

An Agreement between the parties effective September 1, 1949, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

This claim was timely presented, progressed in accordance with the provision of the Agreement, including conference with the highest officer designated by the Carrier to receive appeals, and has been declined. The Employees, therefore, appeal to your Honorable Board for adjudication.

This claim arose when Carrier on July 19, 1968, required the conductor of train Extra 1206 South to clear the block at Westfield, Massachusetts, a station where a telegrapher (block operator) is employed, during hours when he was off duty.

(b) Issue

Employees not covered by the Telegraphers' Agreement (conductor) clearing the block at Westfield, Mass.

(c) Facts

Claimant is regularly employed as a block operator (telegrapher) at Westfield, Massachusetts. His assigned hours are 9:45 A.M. to 6:45 P.M., with

request if you will make specific reference, in writing, to the case or cases before the Board upon which you wish settlement of the instant claim predicated.

Yours truly,

/s/ J. J. Duffy
J. J. Duffy, Director
Labor Relations and Personnel

NOS 6800-13693-14301

(f) Authorities Relied On

AWARDS OF THE THIRD DIVISION, NATIONAL RAILROAD ADJUSTMENT BOARD:

SPECIAL BOARD OF ADJUSTMENT NO. 306, AWARD NO. 29.

CARRIER'S STATEMENT OF FACTS: On July 19, 1967, the claimant in this dispute, Mr. G. E. Ford, was assigned the position of operator at Westfield, Massachusetts, with hours of 9:45 A.M. to 6:45 P.M. On the date of claim the conductor of a freight extra arriving at Westfield after the assigned hours of the claimant reported clear to the operator in control thereof, when an employee represented by the Transportation-Communication Employees Union was neither regularly nor customarily assigned to work at the location involved.

Claim was initiated on behalf of Mr. Ford and progressed through the prescribed channels on the property up to and including the undersigned.

Attached in exhibit form is copy of pertinent information:

"A"—Assistant General Chairman's appeal

"B"—Carrier's decision

Copy of Agreement between the parties dated September 1, 1949, as amended, is on file with your Board and is, by reference, made a part of this submission.

(Exhibits not reproduced)

OPINION OF BOARD: The issues, the essential facts, and the location involved herein are the same as were involved in Award 16303. We have reviewed that Award and do not find it to be in palpable error. It is controlling herein and the claim will be denied.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September, 1969.