



Award Number 17715

Docket Number TE-16711

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
CENTRAL OF GEORGIA RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Central of Georgia Railway, that:

1. (a) Carrier violated the Agreement when on the 24th day of August 1965 it required and permitted Conductor J. W. Gunter, Jr., an employee on Train No. 81 not covered by the Telegraphers' Agreement, to handle (receive, copy, repeat and deliver) Train Order No. 28 at Royal City, Alabama via telephone.
(b) Carrier, in consequence of its violative action, shall be required to compensate Mr. E. L. Burns, extra telegrapher, Opelika, Alabama for one two hour call at one and one-half times the pro rata hourly rate of \$2.7028 per hour for the violation set forth above.
2. (a) Carrier violated the Agreement when on the 14th day of August 1965, it caused, required or permitted Conductor Williamson, a train service employee, not covered by the Telegraphers' Agreement, to handle (receive, copy, repeat and deliver) Train Orders Nos. 324 and 325 at Ida Green Gardens, Georgia, via telephone.
(b) Carrier, in consequence of its violative action, shall be required to compensate Mr. W. C. McLaney, agent-telegrapher, Pine Mountain, Georgia for a two hour call at one and one-half times pro rata hourly rate of \$2.7028 per hour.

EMPLOYEES' STATEMENT OF FACTS: An Agreement between the Central of Georgia Railway Company and this Union (formerly The Order of Railroad Telegraphers), dated October 31, 1959, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

These claims were presented and progressed by the Employees in accordance with the time limits provided by the Agreement up to and including appeal and conference with the highest officer designated by the Carrier to receive appeals.

TCU Exhibits 1 through 13 are representative of all of the correspondence exchanged in the handling of the claims on the property.

and the agreement, as amended, is hereby made a part of this dispute as though reproduced herein word for word.

There are no "extra telegraphers" or "telegraphers" employed anywhere on this Carrier. There are no telegraph wires. Job titles are listed on Pages 44 to middle of Page 50 of the printed agreement.

(Exhibits not Reproduced)

OPINION OF BOARD: The issues involved in this dispute are identical to the issues involved in Award No. 17714.

Therefore this Claim will be sustained for the same reasons as set out in said Award 17714.

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 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.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1970.