

Award No. 18274
Docket No. TE-17679

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David L. Kabaker, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

ERIE-LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Erie-Lackawanna Railroad, that:

CLAIM NO. 1

1. Carrier violated the Agreement by causing, requiring and permitting Conductors of various trains to handle (receive, copy and deliver) Train Orders at North Randall, Ohio on dates as outlined below. (57 train orders handled April 25, 1966 to May 30, 1966 inclusive).

2. Carrier shall because of violations in (1) above, be required to compensate the Agent-Operator at North Randall for a three hour call, at the time and one-half rate of pay for each violation.

CLAIM NO. 2

1. Carrier violated the Agreement by causing, requiring and permitting Conductors of various trains to handle (receive, copy and deliver) Train Orders at North Randall, Ohio on the dates outlined below. (14 train orders handled June 23, 1966 through July 16, 1966 inclusive).

2. Carrier shall because of violations in (1) above, be required to compensate the Agent-Operator at North Randall, a three hour call, at time and one-half rate of pay for each violation.

CLAIM NO. 3

1. Carrier violated the Agreement by causing, requiring and permitting Conductors of various trains to handle (receive, copy and deliver) Train Orders at North Randall, Ohio on the dates outlined below. (15 train orders handled July 17, 1966 through July 21, 1966 inclusive).

2. Carrier shall because of violations in (1) above, be required to compensate the Agent-Operator at North Randall, Ohio, a three hour call, at the time and one-half rate of pay, for each violation.

EMPLOYES' STATEMENT OF FACTS:

(a) STATEMENT OF THE CASE

An Agreement between the Erie Railroad Company and this Union, effective March 4, 1957, as amended and supplemented, is available to your Board and by this reference, is made a part hereof.

These claims were timely presented and progressed in accordance with the provisions of the Agreement, including conference with the highest Officer designated by the Carrier to receive appeals and have been declined. The Employees therefore appeal to your Honorable Board for adjudication.

The cause of these claims arose at North Randall Yard, Ohio on Carrier's Cleveland Branch. This line extends from SN Junction (the connection with Carrier's main line) to Cleveland, Ohio. Mile Post 0 is located in Cleveland and SN Junction at Mile Post 49.6 near Warren, Ohio. Formerly double tracked, sections of this line have been reduced to single track. North Randall Yard is located on double track at the east end of one of these single track sections. An agent-telegrapher is employed at North Randall Yard and during times when this employe is off duty conductors using way-side telephones are being required to copy train orders both at the station and at the switch where eastbound trains enter the main track, hence these claims.

(b) ISSUE

Employees not covered by the Telegraphers' Agreement being required to copy, receive and deliver train orders at locations where a telegrapher is employed.

(c) FACTS

In order that your Honorable Board may have an understanding of the physical characteristics of the Cleveland Branch at the time the train orders in issue were copied, a rough diagram of this section of Carrier's line, including the portion of the Operating Time Table involved, follow as a page of this submission.

(Diagram and Operating Time Table not reproduced.)

There are now two sections of single track, three sections of double track remaining. The single track sections are equipped with an Automatic Permissive Block System known as (APB) — a term used for an Automatic Block Signal System on a track signalled to protect trains moving in both directions. Trains moving in either direction automatically activate stop and caution signals against opposing trains, as well as to the rear, thus protecting the movement by signals in both directions. This system, however, does not eliminate the need for train orders; rather, the single track sections have increased the need for train orders, many more are required

after discussed in conference on February 17, 1967 and May 19, 1967 and Carrier's decision confirmed by letters June 5, 1967 and June 2, 1967 (Carrier's Exhibits E-1 and E-2). Subsequent correspondence from the General Chairman, dated December 14, 1967, is identified as Carrier Exhibit "F". Before Carrier had an opportunity to answer all the assertions and allegations made by the General Chairman in his letter of December 14th, notice was received from Mr. G. E. Leighty on December 27, 1967 that the claims were being progressed to the Third Division, National Railroad Adjustment Board for adjudication.

The Agent-Operator at North Randall is not a proper claimant in this dispute inasmuch as neither he nor any other telegrapher throughout Carrier's entire system have the demand right to handle train orders at other than telegraph or telephone office where an operator is employed and is available or can be promptly located.

(Exhibits not reproduced.)

OPINION OF BOARD: This case was heard jointly with Award Nos. 18271, 18272, 18273 and 18275.

In regard to the three claims herein which relate to Conductors copying train orders, the Petitioner bases its claims on the same contentions which it set forth in Award 18271.

The Board is of the opinion that the conclusions for its Award 18271 are equally applicable herein.

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.

AWARD

Claims 1, 2 and 3 are denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

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

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