

Award No. 19151
Docket No. TD-18916

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Clement P. Cull, Referee

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

**SOUTHERN PACIFIC TRANSPORTATION COMPANY—
TEXAS & LOUISIANA LINES**

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Southern Pacific Company — Texas and Louisiana Lines — (hereinafter "the Carrier") violated the effective Agreement between the parties, Rule 2(b) thereof in particular, when on July 3 and 4, 1969 it required and/or permitted employees not covered by said Agreement to perform work within the Scope of the effective Agreement.

(b) Carrier shall now compensate Train Dispatcher H. B. Swanzy, Jr., one day's compensation at the time and one-half rate applicable to Chief Dispatcher on the dates claimed for said violation on the rest day of Claimant.

EMPLOYEES' STATEMENT OF FACTS: There is an Agreement in effect between the parties, last revised May 1, 1967, copy of which is on file with this Board and the same is incorporated into this Ex Parte Submission as though fully set out herein.

Rule 2 defines the work and the positions of those covered by the Agreement and for the Board's ready reference, said rule, Scope, of the Agreement is here quoted in full text:

"RULE 2.

(a) Trick Train Dispatchers. This class includes positions in which the duties of incumbents are to be primarily responsible for the movement of trains by train orders, or otherwise; to supervise forces employed in handling train orders; to keep necessary records incident thereto; and to perform related work.

(b) Chief Dispatchers' and Assistant Chief Dispatchers' Positions. These classes shall include positions in which the duties of incumbents are to be responsible for the movement of trains on a division or other assigned territory, involving the supervision of train dispatchers and other similar employees; to supervise the handling of

(Exhibits not reproduced.)

OPINION OF BOARD: The issues and facts in this case are the same as those in Award No. 19149 which was denied. We shall deny the herein claim for the reasons set forth in Award No. 19149.

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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 21st day of April 1972.