

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19348
Docket Number TE-17766

Joseph E. Cole, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
((Formerly Transportation-Communication Employees Union)

PARTIES TO DISPUTE: (
(Southern Pacific Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Southern Pacific Company (Pacific Lines), that:

CLAIM NO. 1

1. Carrier violated the terms and intent of the current TCU Agreement, Rules 1, 2, 14, 16, 17 and 41, on November 3, 1965, at Stockton, California, when an employee of another class was required or permitted to handle a communication of record affecting the movement of a train.

2. Claim in behalf of R. R. Weicker, regular assigned 3rd Wire-Chief-Telegrapher-Clerk, Stockton, California, whose assigned hours are from 12 Midnight to 8:00 a.m. daily, except Thursday and Friday, for one special two hour call at the overtime rate of his regular position for November 3, 1965.

CLAIM NO. 2

1. Carrier violated the Telegraphers' Agreement, Rules 1, 2, 16 and 17, January 30, 1965, when it caused, required and permitted Roundhouse Foreman Hill, an employee not covered by the Telegraphers' Agreement, to perform work of copying communication of record by telephone at Klamath Falls, Oregon.

2. Carrier shall now compensate R. A. Duell, Wire Chief, Telegrapher-Clerk, P.M.O. Klamath Falls, Oregon, for one call, two hours, at time and one-half pro rata rate (pro rata rate \$3.0878 per hour) for the violation above set forth. Total amount \$9.2634.

CLAIM NO. 3

1. Carrier violated the intent and purpose of the current Telegraphers' Agreement, Rules 1, 2, 16 and 17, on January 30, 1965, at 4:20 a.m. at Eugene Yard, Oregon and Klamath Falls Yard, Klamath Falls, Oregon, when work belonging exclusively to employees covered by the Telegraphers' Agreement was removed therefrom and required or permitted Clerk in Master Mechanic's office at Eugene Yard to telephone a communication of record to Roundhouse Foreman at Klamath Falls Yard, Oregon.

2. Claim on behalf of H. S. Fults, Tel-Clk-PMO, Eugene Yard who is assigned to work Tuesday through Saturday from 8:00 a.m. to 4:00 p.m. with Sunday-Monday rest days, for one special call of two (2) hours at the overtime rate for the violation at Eugene Yard.

OPINION OF BOARD: On the basis of numerous awards deciding similar issues in disputes between these parties we are not convinced that the telephone conversations here involved fall within any category held by such awards to constitute work reserved to the telegraphers. Therefore, the claims must be denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.