

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21634
Docket Number CL-21599

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and
(**Steamship** Clerks, Freight Handlers,
(**Express** and Station **Employees**

PARTIES TO DISPUTE: (

(Illinois Central Gulf Railroad **Company**

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-8148) that:

(a) Carrier violated Rule 1, Scope and Rule 2, **Handling**
Train Orders of the November 1, 1974 Clerks' **Agreement**, at Marshall,
Missouri, when on **May 7, 1975**, regularly assigned train order operator's
duties were **performed** by employees not subject to any of the rules of
the BRAC Agreement, and

(b) Operator R. K. Farrell shall now be **compensated** for
a **call**, in the **amount** of \$22.48, for this permitted or required
violation of the **November 1, 1974** Clerks' **Agreement**.

OPINION OF BOARD: The Organization asserts **that** pertinent **agreement**
rules permit only employees covered by its agreement
to receive, copy and deliver train orders.

On **May 7, 1975**, Train Order No. 57 was given by the
Dispatcher to Claimant (Operator-Clerk) who copied the order and
delivered it - by telephone - to the Conductor at a location where
employees subject to the Clerks' Agreement were not employed.

Except in emergency situations (where Dispatchers - or
others not **normally** entitled to do so - handle train orders), a
Telegrapher is the **employee** who is **entitled to** perform the work of
receiving, copying and delivering train orders; and, under the record
of this dispute; we conclude **that** this Claimant did, in fact, handle
the train order - not the Conductor. Accordingly, we find no basis
to determine **that** the Agreement was violated.

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:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.

