

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22154
Docket Number CL-22201

Joseph A. Sickles, Referee

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

PARTIES TO DISPUTE: (

(The Western Pacific Railroad Company

STATEMENT OF CLAIM: **Claim** of the System **Committee** of **the** Brotherhood
(**GL-8437**) that:

1. The Western Pacific Railroad Company violated Rule 31 of the Clerk-Telegraphers Rules **when commencing** June **1**, 1976, they left Train Orders unattended on a daily basis between the hours of 2:00 P.M. and 7:00 P.M. in Oakland, California.

2. The Carrier **shall now compensate Mr. L. J. Lund one** hour compensation daily **beginning June 1**, 1976, and to continue on a daily basis until violation ceases.

OPINION OF BOARD: Claimant seeks one hour's compensation each day because train orders were allegedly being left unattended. **He bases the claim upon an Agreement which** states that the telegrapher on duty at the nearest station will **be allowed one** (1) hour of compensation **when a member** of a train crew is required **to copy** a train order in other than an emergency situation, or whenever a telegrapher is required to leave clearances or train orders unattended on the train register.

On **the property**, Carrier **pointed out that there** is twenty-four hour coverage by clerical forces at **the** location and **that train** orders are not left unattended. Further, Carrier urges that there are clerks on duty at **the** time the train orders and clearances are to be delivered. Between 2:00 p.m. and 7:00 p.m. (the crucial time) it is **the** Assistant Chief Clerk's responsibility to assure **that** train orders previously copied by **the** telegrapher are delivered. Thus, **there** is no reason to call a telegrapher to make **delivery**.

The Carrier **argues** that we are confronted, of course, with a single **scope** rule in this case and **with employees** covered by **the** same Agre-tperfonningthe function. In any event, we do not feel that

the **Claimant** has presented a factual showing, on the property, **which** justifies a conclusion **that train** orders are being left unattended to the point **that** compensation is thereby warranted.

We will deny the claim.

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;

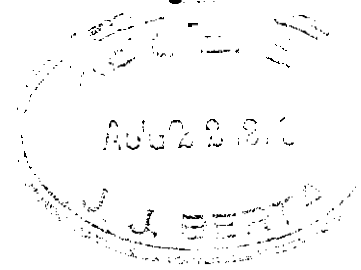
That the **Carrier** and the **Employees involved** in this dispute are respectively Carrier **and Employees** within **the meaning** of the Railway Labor Act, as approved June 21, 1934;

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. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of **July 1978**.