

Award No. 850

Docket No. TE-832

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

PERE MARQUETTE RAILWAY COMPANY

STATEMENT OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on the Pere Marquette Railway, that; the positions of Agent-Operator, Second Operator-Clerk and Third Operator-Clerk, so classified and listed in the wage scale of the agreement, at Erie, Michigan, be given a Relay Operator classification and rating, viz., Agent-Operator 83¢, Second Operator 78¢ and Third Operator 78¢ per hour, effective as of June 1, 1932, account on and since that date required by the management to perform Relay work thereby justifying this classification and rating plus the 5¢ per hour from August 1, 1937, which represents the increase obtained on that date, and all employees who worked these jobs since June 1, 1932, be retroactively reimbursed the difference between these rates and those shown in the wage scale of the agreement."

COMMITTEE'S STATEMENT OF FACTS: "Prior to June 1, 1932, two telegraph offices were located at Erie, Michigan and vicinity, one in the passenger station at Erie and the other in Ottawa Yard a short distance away. At Erie three positions were listed in the wage scale of the Telegraphers' Agreement. These positions and rate of pay were as follows:

ERIE

Agent-Operator	65¢ per hour
Second Operator-Clerk	62¢ " "
Third Operator-Clerk	62¢ " "

OTTAWA YARDS

First Operator-Clerk	72¢ per hour
Second Operator-Clerk	70¢ " "

"On June 1, 1932, the carrier abolished the two positions at Ottawa Yards and transferred the work to the office at Erie, and thereafter all telegraph and telephone communication work, including the relaying of this work between Ottawa Yard and the Erie telegraph office, also between other railroads and the Erie telegraph office, was transmitted and/or received by telegraph or telephone by the operators at Erie, and is still so handled.

"Messages and reports of record are transmitted to and received from the following railroads: Wheeling & Lake Erie Railroad (Yard Office—Division Superintendent's Office, at Toledo and for various points on line), Chesapeake & Ohio-Pere Marquette Railroads (Zone Revision Office), New York, Chicago & St. Louis Railroad (Local Freight Office and for various points on Line), Pere Marquette Railroad at Toledo (General Freight Office), Baltimore & Ohio Railroad (various points on Line), New York Central System (various points on Line).

"In addition to the above described communication work by telegraph and telephone the operators at Erie operate a manually operated Interlocking Plant, the agent acts as agent at Erie and the operators perform clerical work in conjunction with the communication work performed and the operation of the Interlocking Plant. The agent and also the operators are required to do all of the above described work on their respective shifts."

CARRIER'S STATEMENT OF FACTS: "Erie Station is located 2.1 miles north of Ottawa Yard office and is at the North end of that yard. At Ottawa Yard office a 1st operator-clerk at 72¢ an hour and a 2nd operator-clerk at 70¢ an hour were carried, the rate being established by an agreement with the telegraphers dated May 16, 1927. At this time, the personnel of the Erie Station consisted of an agent-operator at 65¢, a 2nd operator-clerk at 62¢, and a 3rd operator-clerk at 62¢, these rates also being established by the agreement. Due to a material decline in business handled at Ottawa, it became necessary to discontinue the operators' positions at Ottawa office, and this was done by the company, effective September 10, 1932, some of their work being transferred to the Erie office."

POSITIONS: Positions of the parties are omitted in view of the fact that they do not clarify the situation sufficiently to enable the Board to render a decision adjusting the dispute.

OPINION OF BOARD: In view of the conflicting statements made by the parties, as shown in their respective submissions, the Board rules that this dispute should be remanded to the parties to jointly develop the facts and to make a further effort to effect a settlement of the dispute, without prejudice to the rights of the parties, or either of them, to resubmit the same in event they shall be unable to do so.

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 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 dispute should be remanded to the parties to jointly develop the facts and make further effort to dispose of the case.

AWARD

Claim remanded in accordance with above opinion without prejudice to rights of the parties, or either of them, to resubmit the dispute if not disposed of.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of May, 1939.