

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE DELAWARE AND HUDSON RAILROAD CORPORATION

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware and Hudson Railroad, that:

1. Carrier violated agreement between the parties hereto when on the 18th day of December, 1954, it caused, required and permitted Mr. Keet, a train service employe, not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) Train Order No. 207 at Salmon River Junction, New York.
2. Carrier violated the agreement when on the 18th day of August, 1954, it caused, required and permitted Mr. Keet, a train service employe not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) Train Order No. 26 at 'SJ' Cabin, New York.
3. Carrier violated the agreement when on the 23rd day of December, 1954, it caused, required and permitted Mr. Hart, a train service employe not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) Train Orders Nos. 3 and 4 at South Junction, New York.
4. Carrier shall be required to compensate the senior idle telegrapher (extra in preference) for one day's pay (8 hours) at the minimum telegraphers' hourly rate on the Champlain Division Seniority District for each day (December 18, 1954, August 18, 1954 and December 23, 1954) said violations occurred.

EMPLOYEES' STATEMENT OF FACTS: There is in full force and effect an Agreement between the Delaware and Hudson Railroad Corporation, hereinafter referred to as Carrier or Company, and The Order of Railroad Telegraphers, hereinafter referred to as Telegraphers or Employees. The Agreement became effective on the 1st day of July, 1944. A copy of said Agreement is on file with this Board, and is, by reference, included in this submission as though copied herein word for word.

These disputes involve the handling of train orders, by employes other than those covered by the Telegraphers' Agreement. The disputes were handled on the property in the usual manner to the highest officer designated

where telegraphers are not employed. The same issue is involved in Docket TE-7407 now pending before the Third Division, National Railroad Adjustment Board, and the carrier submits the argument and evidence presented in Docket TE-7407 to support its position in this docket.

Management affirmatively states that all matters referred to in the foregoing have been discussed with the committee and made part of the particular question in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: This is a companion case to that involved in Docket TE-7407, Award 8037, and is subject to similar disposition.

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 Claim should be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 30th day of July, 1957.