

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI PACIFIC LINES (In Texas and Louisiana)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Lines (In Texas and Louisiana) that:

(1) Carrier violated the Agreement between the parties hereto when, commencing September 1, 1949, the Agent-Telegrapher at Angleton, Texas, was then, and is now relieved on Saturday and Sunday, his assigned rest days by a clerk, (an employe not coming under the purview of the Scope Rule of The Order of Railroad Telegraphers' Agreement), instead of relieving this Agent-Telegrapher with a telegrapher.

(2) Carrier shall be required to compensate Agent-Telegrapher H. E. Middleton, the regular incumbent at Angleton, Texas, for 8 hours at the time and one-half rate for each such Saturday and Sunday he has been so relieved.

(3) That other employes who have relieved Middleton from time-to-time shall likewise be compensated, dates to be determined by a joint check of Carrier's pay rolls.

EMPLOYEES' STATEMENT OF FACTS AND POSITION: There is in full force an Agreement between the Missouri Pacific Lines (in Texas and Louisiana), hereinafter referred to as Carrier or Company, and The Order of Railroad Telegraphers, hereinafter referred to as Organization or Employes. The Agreement in effect on September 1, 1949, became effective October 15, 1940, revised as of March 1, 1952, and are, by reference, made a part of this submission as though copied herein word for word.

The dispute was processed and handled on the property, in the usual manner, and in accordance with the Railway Labor Act, as amended, to the highest officer designated by the Carrier to handle such claims, and denied.

The issue here concerns improper rest day relief, by the use of a clerk instead of a telegrapher on each Saturday and Sunday for the period stated. It is contended by Employes that this constitutes improper rest day relief

OPINION OF BOARD: Because the Organization has failed, in the record here before us, to prove that the work in question belonged exclusively to telegraphers, this claim will 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 Employes involved in this dispute are respectively Carrier and Employes 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.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 13th day of June, 1958.