

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Norris C. Bakke, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE LONG ISLAND RAIL ROAD COMPANY

(1) The Carrier is in violation of the provisions of the Agreement between the parties signatory thereto when it permits or requires employes outside the scope of said agreement at Bay Ridge Yard to transmit and/or receive, by the use of the telephone, items embraced by the term "messages, orders and reports of record" between Bay Ridge Yard and the train dispatcher of the New York, New Haven and Hartford Railroad at New Haven; and,

(2) This work shall be assigned to employes covered by the scope of the Telegraphers' Agreement.

EMPLOYES' STATEMENT OF FACTS: An Agreement by and between the parties to this dispute, hereinafter referred to as the Telegraphers' Agreement, bearing effective date of June 1, 1945, a copy of which is on file with this Board, is hereby made a part of this submission.

Bay Ridge Yard is the Southwest Terminus of the Long Island Railroad on Long Island. Geographically it lies on the east side of Upper New York Bay adjacent to the Narrows.

Freight traffic for delivery to the New York, New Haven and Hartford Railroad is received at Bay Ridge Yard from connecting railroads across the Bay ferried over by "floats" and handled by Long Island switch crews for eventual delivery to the New Haven Railroad at Freemont Block Station. See Employes' Exhibit No. 1 for track arrangement and other facility identification.

For operational reasons Bay Ridge Yard was previously divided into four parts. At the east end of the Western Terminus of Bay Ridge Yard was located an interlocker (tower from which signals, switches and derails are operated) identified Employes' Exhibit No. 1, as "location of old 'NU' Block Station". It was the function of this Block Station to control the movement of traffic through the mouth of Bay Ridge Yard from and to tracks No. 1 and 2. Freight traffic moving from "floats" was switched to the various tracks identified, Employes' Exhibit No. 1, as the "ladder". Consequently

1945 and 1949, employees represented by The Order of Railroad Telegraphers have absolutely no claim to it at this time.

(c) Finally, regardless of any other consideration, the work performed has no relation whatsoever to the movement of the New Haven freight trains over the main tracks of this Carrier under the jurisdiction of the Long Island Rail Road Block Operator at "Fremont" Tower and the Long Island Rail Road Train Dispatcher.

In view of the foregoing, and for the reasons stated, this claim should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: It is apparent from a mere reading of the claim here, that the alleged dispute involved is too vague for resolution by this Board. It appears that much of the work complained of has been done by the Clerks over a period of years, but from the joint report in the record we believe that some OSing of trains is "used for the purpose of governing train movement" and as to that the Organization may have a claim.

We conclude that this case should be remanded for further joint check and negotiation in an attempt to discover what work, if any, belongs to the telegraphers. We are not convinced that Carrier's reliance on past practice is conclusive here.

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 Carrier did not violate the Agreement.

AWARD

Claim remanded as per Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 1st day of July, 1959.