

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Carroll R. Daugherty, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Order of Railroad Telegraphers on the Atchison, Topeka & Santa Fe Railway System; that

1. The Carrier violated and continues to violate the Agreement between the parties when, beginning September 1, 1953, it removed the work of transmitting and receiving wheel reports from employes covered by the Telegraphers' Agreement at Winslow, Arizona, and San Bernardino, California, and delegated the performance thereof to persons not so covered; and

2. The Carrier shall restore said work to the scope of the Telegraphers' Agreement to be performed by employes covered thereby; and

3. For each and every eight hour shift such work is performed by persons outside the Agreement the Carrier shall compensate the senior idle extra employe on the seniority roster in an amount equivalent to a day's pay at the rate applicable to the particular location or, if there be no such idle extra employe the Carrier shall compensate the senior regularly assigned employe or employes idle on rest days the equivalent of a day's pay at the time and one half rate for each eight hour shift.

EMPLOYES' STATEMENT OF FACTS: An Agreement between the parties bearing effective date of June 1, 1951, is in evidence.

This dispute involves the transfer of telegraphic communications work from employes covered by the Telegraphers' Agreement to persons not within its coverage at Winslow, Arizona and San Bernardino, California. The facts in connection with the respective stations are as follows:

At Winslow, Arizona, the Carrier maintains a relay telegraph office in which it normally employs a manager-wire chief, day wire chief, night

(Exhibits not reproduced.)

OPINION OF BOARD: The claims and the issues presented in this docket are the same as those ruled on in Docket TE-7924 by Award No. 9005. As to the facts, only the names and the faces—the Telegrapher and Clerk positions at Winslow, Arizona, and San Bernardino, California, and their occupants—are different.

It follows that the Board's ruling here must be the same as in the above mentioned case. The instant claims must 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 the 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 Carrier did not violate the Agreement.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of October, 1959.