

Award No. 9350

Docket No. TE-10023

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Baltimore & Ohio Railroad, that:

1. Carrier violated the agreement between the parties hereto when on June 13 and 16, 1956, it caused, permitted and required conductors, employees not covered by the Telegraphers' Agreement to give to the train dispatcher the approximate time their trains would leave Weston; the number of cars in their trains; where they got the loads; the number of loads left in the various mines in the region; and receive instructions from the train dispatcher what work to perform and also gave the train dispatcher information as to how long it would take him to go from Weston to Lost Creek, which work was and is reserved solely to employees covered by the Telegraphers' Agreement.

2. Carrier violated the agreement between the parties hereto when on August 20, 21, 25, 28, 29 and September 1, 1956, it caused, permitted and required conductors, employees not covered by the Telegraphers' Agreement, to give the train dispatcher at Grafton, West Virginia, over the telephone from Weston, West Virginia, reports on the number of loads he would be filling out after his train left Weston; what time he would leave Weston; and approximately what time he would arrive at certain points after he left Weston; and in turn received information and instructions from the train dispatcher concerning his work at Weston and along the road after leaving Weston, all of which was information of record, and is work reserved exclusively to employees covered by the Telegraphers' Agreement.

3. Carrier violated the agreement between the parties hereto when on October 1, 3, 4, 8, 10 and November 8, 9, 12, 13, 15, 16, 19, 21, 27, 28, 29 and 30, 1956, it caused, permitted and required conductors, employees not covered by the Telegraphers' Agreement, to communicate directly with the train dispatcher over the telephone from Weston, West Virginia, and inform the train dispatcher of the time their various trains would be ready to leave Weston; give him the loads and empties they would have leaving Weston; where empties

had been placed; the condition of the mines in the region; loads and empties left in yard at Weston and other points; and to receive instructions from the train dispatcher in regard to his work between Weston and Clarksburg, West Virginia, which work was and is reserved solely to employees covered by the Telegraphers' Agreement.

4. Carrier shall be required to compensate an idle telegrapher, extra in preference, for pay for one day (8 hours) for June 13 and 16; August 20, 21, 25, 28, 29 and September 1; October 1, 3, 4, 8, 10, November 8, 9, 12, 13, 15, 16, 19, 21, 27, 28, 29 and 30, 1956.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of March 31, 1960, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 8th day of April, 1960.