

Award No. 10469

Docket No. TE-9300

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Robert J. Ables, Referee

**PARTIES TO DISPUTE:**

**CHICAGO GREAT WESTERN RAILWAY COMPANY**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**STATEMENT OF CLAIM:** (10) Carrier's file 0-179. Claim No. 707-520 by the General Committee of The Order of Railroad Telegraphers on the Chicago Great Western Railway that:

(a) the Carrier has violated, and continues to violate the terms of the Agreement between the parties when it requires or permits members of train crews, persons not covered by the agreement, to handle certain types of communication service by radio for their trains by use of the radio located in motors and cabooses of their trains. This practice dispenses with the services of a Telegrapher at the point the train crew transmits or received the communication. The violations complained of include: "OS" of their train as to location, instructions as to work that is to be done or not done, figures as to how long the train will be at a certain station doing work, instruction train to call in on telephone when they reach a certain point and many others. Below are some examples as to information requested by Train Dispatchers and others, in each case the train crew is called on the radio at the request of the Train Dispatcher or others, we will list only the communication relayed here and by whom:

Feb. 8, 1954 — OS No. 6 going by Luray at 11:49 P. M., by operator Marshalltown

Feb. 9, 1954 — OS, No. 92 passed Baxter 2:28 A. M., by operator Marshalltown

Feb. 16, 1954 — OS, No. 6 by Luray 11:47 P. M., by operator Marshalltown

Feb. 19, 1954 — OS, No. 6 Melbourne 11:45 P. M., by operator Marshalltown

Feb. 20, 1954 — OS, No. 92 Mingo 2:43 A. M., by operator Marshalltown

Feb. 27, 1954 — OS, No. 92 at Melbourne doing station work and will be there for No. 43, by operator Marshalltown at 3:43 A. M.

**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 is barred by Section 2 of Article V of the National Agreement of August 21, 1954.

#### AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of March, 1962.