

Award No. 10858

Docket No. TE-8006

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Raymond E. McGrath, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
— WESTERN LINES —**

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

1. The Carrier violated the agreement between the parties when, on or about September 1, 1953, without conference or agreement, it arbitrarily removed the work of transmitting and receiving wheel reports from employes covered by the Agreement at Belen, New Mexico and La Junta, Colorado, and delegated the performance of said work to persons not under the Telegraphers' Agreement; and
2. The Carrier further violated the Agreement when, on or about February 11, 1954 it removed the work described in Item 1 above from employes under the Telegraphers' Agreement at Dodge City, Kansas and Clovis, New Mexico and delegated the performance thereof to persons not covered by the Agreement; and
3. For each and every 8 hour shift, on a day to day basis, that telegraphic communications work is performed by employes not under the Telegraphers' Agreement at the above named stations the Carrier shall be required to pay each of the four senior idle extra telegraph service employes the equivalent of 8 hours' pay at the rate applicable to each location, and, if there be no such idle extra employe the Carrier shall pay each of the four senior regularly assigned employes idle on rest days the equivalent of eight hours' pay at the time and one-half rate of their regular positions for each 8 hour shift the violation continues.

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

This dispute involves the removal of work covered by the Scope of the Agreement from the employes covered thereby and delegation of said work to employes not covered by said agreement at four separate stations on one

(4) The Employees' long delay in pressing for a final determination of the controversial issue which is the subject of the parties' disagreement requires a denial of the Employees' claim in the instant dispute.

The Carrier is uninformed as to the arguments the organization will advance in its ex parte submission and accordingly reserves the right to submit such additional facts, evidence and argument as it may conclude are required in reply to the organization's ex parte submission or any subsequent oral argument or briefs presented by The Order of Railroad Telegraphers in this dispute.

All that is herein contained has been both known and available to the employees and their representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: The claims and the issues presented in this docket are the same as those ruled on the following Dockets:

TE-7855	—	Award No. 8538
TE-7924	—	Award No. 9005
TE-7925	—	Award No. 9006
TE-8047	—	Award No. 9454
TE-7969	—	Award No. 10683
TE-8008	—	Award No. 10776
TE-8007	—	Award No. 10817

As to the facts — only the names of the Claimants and the place and dates of the alleged violations are different. The same issues have been decided in all of the above enumerated awards.

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

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of October 1962.