

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Webster, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE TEXAS AND PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Texas and Pacific Railway, that:

1. Carrier violated the terms of the prevailing Agreement between the parties hereto when, at its one-man station at Trent, Texas, it deprived the incumbent, Claimant Agent-Telegrapher B. R. Vaughn, of the work of waybilling carload shipments and other work incidental thereto, by assigning it to employes at Sweetwater, Texas on the following dates: Saturdays, May 4, 11, 18, 25, June 8, 1957 and all succeeding days on which the agency at Trent is closed and on which dates the billing and other business is performed at Sweetwater or at other points other than Trent.

2. Carrier shall be required to compensate Claimant Vaughn on a call basis for each of the days listed above and on all succeeding days on which the agency at Trent is closed and on which the billing and other business is done at Sweetwater and at other points other than Trent.

EMPLOYES' STATEMENT OF FACTS: The Agreements between the parties are available to your Board and by this reference are made a part hereof.

Trent, Texas is a station located on this Carrier's lines and is a one-man station with one five-day position of Agent-Telegrapher; the position has a work week beginning on Monday with assigned rest days of Saturdays and Sundays, position not represented on rest days.

The work of the position is all of the agency and communication work required at this station. The agency work includes the performance of transactions necessary to handle the freight business of the gasoline plant of the Warren Petroleum Company located outside the city limits of Trent less than three miles from the station building at Trent. This plant has auxiliary tracks leading from the main line including rack tracks for loading and unloading tank cars. This was formerly known as the White Flat Gasoline

OPINION OF BOARD: This is a claim for a call on the grounds that the Carrier violated the Agreement by assigning the work to the telegrapher at Sweetwater, Texas rather than at Trent on weekends. The record discloses that the Carrier made the defense of past practice of assigning such work. The Organization in no ways refutes this position. Under the circumstances of this particular case a denial award is in order.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of June 1963.