

Award No. 12155
Docket No. TE-10427

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Kieran P. O'Gallagher, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN RAILWAY COMPANY

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

1. Carrier violated the Scope Rule of the Telegraphers' Agreement when on the 9th day of February, 1957, it caused, required or permitted Conductor Smith of Extra 2185 West, an employe not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) Train Order No. 596 at Rader, Tennessee.

2. Carrier shall compensate Mr. W. A. Bailey, senior extra idle telegrapher, Knoxville Division Seniority District, on February 9, 1957, and/or the senior employe under the Telegraphers' Agreement idle or otherwise entitled to perform the aforementioned work, name of person to be determined by a joint check of Carrier's records, for one day (8 hours) at the rate of \$1.98 per hour (minimum pro rata telegrapher (telephoner) rate on the Knoxville Division) for the aforesaid violation.

EMPLOYEES' STATEMENT OF FACTS: At Rader, Tennessee, until the installation of the automatic block signal, this Carrier maintained a twenty-four hour train order office. The positions around the clock during these years were filled from the Telegraphers' ranks. The occupants of the positions performed all the communication work in the handling of messages, orders and reports of record as well as the station work at the station during their assigned hours. On February 9, 1957, Extra 2185 West arrived at Rader, Tennessee. Conductor Smith made contact with the train dispatcher by the use of a telephone placed at this point. The train dispatcher dictated Train Order No. 596 to Conductor Smith. Train Order 596 read as follows:

"Form 21

Southern Railway System

Knoxville, Tenn. Feb. 9, 1957

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-9988, Award No. 12150. We adopt the opinion therein as determinative of the issues in this case.

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 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 29th day of January 1964.