

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Arnold Zack, Referee**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**READING COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Reading Company that:

1. Carrier violated the Agreement between the parties when and because it permits or requires train service employees to copy and handle train orders at Gettysburg, Pennsylvania, outside of the assigned hours of the Agent-Telegrapher.

2. In consequence thereof the Carrier shall be required to pay a 'call' (Article 34 of the Telegraphers Agreement) to the incumbent of the agent-telegrapher's position at Gettysburg, Pennsylvania, Mr. H. L. Fetter, for each individual violation listed herein.

**EMPLOYEES' STATEMENT OF FACTS:** 1. There is in full force and effect collective bargaining Agreement entered into by and between Reading Company; Philadelphia, Reading & Pottsville Telegraph Company, hereinafter referred to as Carrier or Management, and The Order of Railroad Telegraphers, hereinafter referred to as Employees or Telegraphers. The Agreement was effective September 1, 1946, as corrected September 1, 1951. The Agreement is, by reference, made a part of this submission as though set out herein word for word.

2. The dispute submitted herein was handled on the property in the usual manner through the highest officer designated by the Carrier to handle such disputes and failed of adjustment. This Board has jurisdiction of the parties and the subject matter under the provisions of the Railway Labor Act, as amended.

3. This dispute concerns application of Article 34 of the Agreement between the parties which provides:

Claim, Carrier insists that this part of the claim is vague and indefinite and should not be considered by the Board.

Under all the facts and circumstances present in this docket, Carrier respectfully submits that there has been no violation of any rules of its agreement with the Telegraphers' Organization and maintains that the claim of the Organization should be denied in its entirety.

**OPINION OF BOARD:** The facts, contentions of the parties, and reasoning of the Board in this case are so similar to those presented in Award No. 13390 as to make unnecessary a repetition herein. Reference thereto suffices.

**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 violated.

#### AWARD

Claim sustained to the extent indicated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1965.