

Award No. 13497
Docket No. TE-13453

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN PACIFIC COMPANY
(Texas and Louisiana Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company (Texas & Louisiana Lines), that:

1. Carrier violated the terms of the parties' Agreement because, on July 26, 27 and August 1, 1961, it required or permitted employees not covered thereunder to handle train orders at Bridge 51.14, near Winchester, Texas.
2. Carrier shall be required to pay a day's pay to Telegraphers K. A. Voelker for each July 26 and 27, 1961, and M. E. Swenson for August 1, 1961.

EMPLOYES' STATEMENT OF FACTS: On May 26, 1961, a westbound freight train, destined for San Antonio, Texas, became derailed at Bridge 51.14, which crosses the Colorado River near Winchester, Texas, and caused severe damage to the Bridge.

Upon receipt of information that a telephone had been installed at the location of the derailment for handling communications of record, General Chairman Newman wrote Mr. L. C. Albert, Manager of Personnel on May 26, 1961, as follows:

"This confirms my conversation of today in regard to the establishment of communications service at the Colorado River near Winchester where a derailment occurred within the past 24 hours. I understand that a telephone has been installed at the scene of the derailment for the handling of communications of record. It is well known that work trains engaged in picking up derailed cars and thereafter in the work of reconstructing the bridge will need train orders and there will be other communications likewise. This is therefore to reiterate my request that the work of handling these communications of record be delegated to the telegraphers for performance and that a telegrapher be placed on the scene for that purpose.

The establishment of communications service at that point will require the services of a telegrapher and the work to be done is work coming within the scope of the Telegraphers' Agreement."

For the reasons stated above, this case is entirely devoid of merit and validity and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: The issues, parties and Agreement involved in this Claim are the same as in Award No. 13491. For the reasons stated in that Award we will deny this Claim.

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 Employee involved in this dispute are respectively Carrier and Employee 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 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 27th day of April 1965.