

Award No. 13525

Docket No. TE-12438

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Hamilton, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

NORFOLK SOUTHERN RAILWAY COMPANY

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

1. The Carrier violated Articles 9 and 11 of the agreement when it required the operator-clerk assigned at Wilson Freight Station to suspend work on that assignment, proceed to Wilson Yard Office and there handle (copy and deliver) the train orders enumerated below.

2. We request that the incumbent operator-clerk at Wilson Freight Station be paid a call for each trip required to make to Wilson Yard Office and there handle train orders and issue clearances to trains on each date specified, and continuing until such time as the violations are discontinued.

3. The Carrier further violated and continues to violate, Articles 2(a), 13(c), 23(c), and Article 28, when and because it failed and refused to properly assign telegraphers' duties accruing at Wilson Yard Office in accordance therewith.

4. We request that the senior idle extra operator, to be determined by a joint check of the pertinent records, be paid a minimum of a day's pay for each day Wilson Yard Office was opened as a train order office to handle train orders, etc. and continuing on each such day hereafter until such time as the violative actions are discontinued.

	Order Number	Date	Trains	Time	Wilson Opr. Frt. Station	Idle Extra Operator(?)
1.	42	10/23/59	WK EX 1503	12:21 pm	Stone, T. R.	1
2.	(56)	10/23/59	No. 64	4:07 pm	Stone, T. R.	
	(58)	10/23/59	No. 64	4:12 pm	Stone, T. R.	2
3.	68	10/24/59	X1503 Nth-Sth	10:45 am	Stone, T. R.	
4.	(72)	10/24/59	Eng. 1614	12:37 pm	Stone, T. R.	
	(74)	10/24/59	X 1614 Nth	1:03 pm	Stone, T. R.	3
5.	662	10/24/59	63 & Sth Orig.	3:07 pm	Stone, T. R.	
6.	668	10/26/59	Trns Nth Orig.	9:52 am	Stone, T. R.	
7.	(48)	10/26/59	No. 64 & Opr.	4:10 pm	Stone, T. R.	4
	(50)	10/26/59	No. 64	4:31 pm	Stone, T. R.	
8.	(32)	10/27/59	Eng. 1602	8:34 am	Stone, T. R.	
	(34)	10/27/59	X 1602 Nth	8:37 am	Stone, T. R.	
9.	40	10/27/59	X 1614 Sth	12:58 pm	Stone, T. R.	

	Order Number	Date	Trains	Time	Wilson Opr. Frt. Station	Idle Extra Operator(?)
10.	(42)	10/29/59	Eng. 1611	8:26 am	Stone, T. R.	5
	(44)	10/29/59	X 1611 Nth	8:29 am	Stone, T. R.	
	(676)	10/29/59	Trms Nth Orig.	8:30 am (Del'd)	Stone, T. R.	
11.	48	10/30/59	Eng. 1616	10:34 am	Stone, T. R.	6
12.	30	10/31/59	No. 98	8:08 am	Stone, T. R.	7
13.	40	11/ 1/59	Eng. 1610	10:39 am	Stone, T. R.	8
14.	34	11/ 2/59	Eng. 1616	10:53 am	Stone, T. R.	9
15.	54	11/ 2/59	No. 64 & Opr	2:22 pm	Stone, T. R.	
16.	(54)	11/ 3/59	Eng. 1605	8:30 am	Stone, T. R.	10
	(36)	11/ 3/59	X 1605 Nth	8:35 am	Stone, T. R.	
17.	50	11/ 3/59	Eng. 1602	1:20 pm	Stone, T. R.	11
18.	40	11/ 4/59	Eng. 1613	11:56 am	Stone, T. R.	12
19.	52	11/ 4/59	No. 64	5:20 pm	Stone, T. R.	
20.	(36)	11/ 5/59	Eng. 1614	8:28 am	Stone, T. R.	13
	(38)	11/ 5/59	X 1614 Nth	8:31 am	Stone, T. R.	
	(40)	11/ 5/59	X 1614 Nth	8:34 am	Stone, T. R.	
21.	46	11/ 5/59	Eng. 1613	12:44 pm	Stone, T. R.	
22.	(56)	11/ 9/59	No. 64	3:31 pm	Stone, T. R.	14
	(58)	11/ 9/59	No. 64	3:48 pm	Stone, T. R.	
	(Msg)	11/ 9/59	No. 64	3:30 pm	Stone, T. R.	
23.	(38)	11/10/59	Eng. 1616	8:48 am	Stone, T. R.	15
	(40)	11/10/59	X 1616 Nth	8:51 am	Stone, T. R.	
	(684)	11/10/59	X 1616 Nth	8:52 am (Del'd)	Stone, T. R.	
24.	52	11/10/59	Eng. 1610	1:27 pm	Stone, T. R.	16
25.	42	11/12/59	Eng. 1506	8:24 am	Stone, T. R.	17
	(44)	11/12/59	X 1506 Nth	8:31 am	Stone, T. R.	
26.	52	11/12/59	Eng. 1616	11:17 am	Stone, T. R.	
27.	36	11/19/59	X 1602 Nth	8:31 am	Stone, T. R.	18
28.	52	11/24/59	Eng. 1601	8:31 am	Stone, T. R.	19
29.	(58)	11/25/59	Eng. 1507	3:54 pm	Stone, T. R.	20
	(60)	11/25/59	X 1507 Sth	3:55 pm	Stone, T. R.	
30.	(40)	11/26/59	X 1601 Nth	8:29 am	Stone, T. R.	21
	(42)	11/26/59	Eng. 1601	8:30 am	Stone, T. R.	
31.	(46)	11/27/59	X 1605 Nth	4:12 pm	Stone, T. R.	22
	(48)	11/27/59	Eng. 1605	4:15 pm (& Msg)	Stone, T. R.	
32.	(40)	11/28/59	X 1601 Nth	9:44 am	Stone, T. R.	23
	(42)	11/28/59	Eng. 1601	9:56 am	Stone, T. R.	
	(44)	11/28/59	X 1601 Nth	9:58 am	Stone, T. R.	
33.	(46)	11/28/59	X 1601 Nth	10:52 am	Stone, T. R.	
	(38)	11/28/59	No. 98	9:41 am	Stone, T. R. (Del'd 10:49 am)	
34.	44	11/30/59	Eng. 1615	11:40 am	Stone, T. R.	24
35.	(38)	12/ 1/59	Eng. 1615	8:48 am	Stone, T. R.	25
	(40)	12/ 1/59	X 1615 Nth	8:50 am	Stone, T. R.	
	(42)	12/ 1/59	X 1615 Nth	8:54 am (& Msg)	Stone, T. R.	
36.	46	12/ 2/59	Eng. 1617	12:50 pm	Stone, T. R.	26
37.	C.Card	12/ 2/59	No. 64	5:05 pm	Stone, T. R.	
38.	(34)	12/ 3/59	Eng. 1615	8:30 am	Stone, T. R.	27
	(36)	12/ 3/59	X 1615 Nth	8:32 am	Stone, T. R.	
	(38)	12/ 3/59	X 1615 Nth	8:35 am	Stone, T. R.	
39.	46	(12/ 3/59	Eng. 1617	11:50 am	Stone, T. R.	
	48	(12/ 3/59	WX 1617 Sth	11:54 am	Stone, T. R.	
40.	38	12/ 4/59	Eng. 1617	8:14 am	Stone, T. R.	28
41.	60	12/ 4/59	No. 64	3:34 pm	Stone, T. R.	

41 Calls

Day's Pay 28

OPINION OF BOARD: The location involved in this claim is Wilson, North Carolina. The station limits extend almost five miles. At a place near the northern end of the station limits, a building known as Wilson tower, housed an interlocking plant. For many years, employes covered by the Telegraphers' Agreement occupied positions at the tower. On October 22, 1959, all of the positions at the tower were abolished.

The yard office is located on the main line about midway between the northern and southern limits of the Wilson station. A telegrapher position is established at this location during tobacco shipping season, but is not maintained during the remainder of the year.

The freight station is located at the end of a spur track some three-fourths of a mile from the main line and yard office. A single shift telegrapher position is maintained at the freight station.

After the positions at Wilson tower were abolished, the Carrier required the telegrapher at the freight station to go to the yard office and handle train orders that were needed by trains on the main line. As a general rule, this occurred twice a day during the time evidenced by the statement of claim.

The Organization argues that when the Carrier abolished the tower positions and moved the train order work to the yard office, it created a telegrapher position at the yard office. It further argues that it is improper to require the telegrapher at the "freight station" to do the work required at the "Yard office station".

It is admitted by the Organization, that if the work from Wilson tower had been transferred to the freight office, instead of the yard office, there would be no basis for a claim.

As a general rule, it is considered the prerogative of the Carrier to determine the number of employes and the positions necessary to the efficient operation of the railroad. The employes have not shown any agreement prohibition against an employe performing work at two locations. The theory that the Petitioner was required to perform work on other than his regular position, is unsound. We do not find any support in the facts presented, to sustain a violation of any of the rules cited. There does not appear to be any prohibition in the agreement, to keep Carrier from acting as it did in this case.

Claimant has failed to prove that Carrier violated any of the rules of the applicable agreement. We are unable to find from the facts presented, that Carrier did establish a telegrapher position de facto at the yard office.

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 Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

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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 April 1965.