

Award No. 14271
Docket No. TE-14451

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

THE PENNSYLVANIA RAILROAD COMPANY

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

1. December 31, 1961, Engineer Lawhorne on Eng. 3818 was permitted to copy Train Order No. 1 at closed block station Lebanon. J. Langolf was available and is entitled to one call at the time and one-half rate.
2. December 31, 1961, Engineer Doom on Eng. 6003 permitted to copy Train Order No. 1 at closed block station Lebanon at 5:30 P.M. J. H. Fischer was available and is entitled to one call at the time and one-half rate.
3. January 1, 1962, Engineer Gagan on Eng. 3807 was permitted to copy Train Order No. 1 at closed block station Lebanon at 1:57 A.M. J. C. Reibeling was available and is entitled to one call at the time and one-half rate.
4. January 1, 1962, Engineer Davis on Eng. 3803 was permitted to copy Train Order No. 1 at closed block station Lebanon at 3:44 A.M. R. D. Hermann was available and is entitled to one call at the time and one-half rate.
5. January 1, 1962, Engineer Hurst on Eng. 6003 at 8:33 A.M. and Engineer Levy on Eng. 5983 at 8:42 A.M., were permitted to copy Train Order No. 1 at closed block station Lebanon. R. R. Neihaus was available and is entitled to one call compensation.
6. January 2, 1962, Engineer Lawhorne on Eng. 1647 was permitted to copy Train Order No. 1 at closed block station Lebanon at 12:33 A.M. W. J. Langolf was available and is entitled to one call at the time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: This claim involves six instances of violative handling of train orders by engine service employees

tration Award No. 153 specifically permits the Carrier to require engine and train crews to use the telephone to copy train orders. There was, however, a block station at Lebanon, located approximately 1¼ miles from the south switch, prior to May 25, 1961, and the Arbitration Award prohibits the copying of train orders by train or engine crews by the use of the telephone at the closed block station. The Organization contends that since the Arbitration Award prohibits the copying of train orders at the closed station, it is, in effect, a violation for the Carrier to require the copying of orders at other points.

(Exhibits not reproduced.)

OPINION OF BOARD: The same basic questions which are presented in this case were before the Board in Award No. 13314, involving these identical parties. The issues were discussed at length in that award, and we adopt the opinion therein expressed as controlling in the instant case.

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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March 1966.

CARRIER MEMBERS' DISSENT TO AWARD NO. 14271 **DOCKET NO. TE-14451 (Referee Hamilton)**

We dissent for the reasons set forth in detail in Carrier Members' Dissent to Award 13314 (Hamilton) involving a similar dispute between these same parties.

R. A. DeRossett
G. L. Naylor
C. H. Manoogian
W. M. Roberts

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