

Award No. 14831
Docket No. TE-14918

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arnold Zack, Referee

PARTIES TO DISPUTE:

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

SOUTHERN PACIFIC COMPANY
(Pacific Lines)

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

1. Carrier violated the Agreement between the parties when on May 8 and 15, 1962, it required or permitted the Manager-Wire Chief in "SW" General Telegraph Office, El Paso, Texas, to perform printer machine operator duties.

2. Carrier shall be required to compensate Mrs. L. R. Mayfield, printer machine operator "SW" Office, in the amount of a day's pay (8 hours) at the time and one-half rate on each date.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties effective December 1, 1944 as amended and supplemented is available to your Board and by this reference is made a part hereof.

"SW" Office, El Paso, Texas is a telegraph office designated as a General Telegraph Office by Rule 20 of the Agreement. On May 8 and again on May 15, 1962 an employee occupying a position classified as wire chief, operated the IBM transceiver machine instead of delegating or assigning this work to a printer machine operator or a Morse telegrapher. There is no dispute or controversy between the parties over the fact that this did occur.

Claim was initiated by the Claimant and then turned over to the Organization and was handled in the usual manner up to and including the highest designated officer of the Carrier and has been declined. Correspondence reflecting this handling on the property is attached hereto as ORT Exhibits 1 through 7.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS:

1. There is in evidence an agreement (hereinafter called the current agreement) between the Carrier and its employees represented by the Petitioner, having effective date of December 1, 1944 (reprinted March 1, 1951, including

Wire Chief again stayed on duty to operate the transceiver in transmitting pay roll data from over 2000 IBM cards from 5:12 P.M. to 8:10 P.M., that date. The Manager-1st Wire Chief operating the transceiver on May 8 and 15, 1962, in transmitting the payroll data did not require assistance in operation thereof.

5. By letter dated August 9, 1962 (Carrier's Exhibit A), Petitioner's District Chairman appealed to Carrier's Superintendent of Communications a claim on behalf of claimant "... for 8 hours at rate of time and half on May 8th and May 15th 1962 account Manager, Wire Chief performing the duties of transceiver IBM operator" in "SW" General Telegraph Office, El Paso, Texas. By letter dated October 8, 1962 (Carrier's Exhibit B), the Superintendent of Communications denied the claim.

By letter dated December 4, 1962 (Carrier's Exhibit C), Petitioner's General Chairman appealed the aforementioned claim to Carrier's Assistant Manager of Personnel, who, after the claim was discussed in conference on May 24, 1963, denied the claim by letter dated May 28, 1963 (Carrier's Exhibit D), addressed to Petitioner's General Chairman, stating there is no provision of the current agreement which allocates the work here in dispute to an individual class of employees coming within the Scope rule thereof, but on the contrary, said work in this case is also one of the duties of the Wire Chief who performed same.

(Exhibits not reproduced.)

OPINION OF BOARD: The claim in this case concerns the performance of certain work on printer machines by employees in El Paso, Texas, classified as Wire Chief.

The facts, contentions of the parties, and reasoning of the Board in Award No. 14830, are equally pertinent to the instant case, and need not be repeated herein.

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 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 12th day of October 1966.

Keenan Printing Co., Chicago, Ill.

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