

Award No. 14933

Docket No. TE-13254

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY
and
THE LAKE ERIE & EASTERN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pittsburgh and Lake Erie Railroad that:

CLAIM NO. 1

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Telegraphers' Agreement, at Dickerson Run, Pennsylvania to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

1. October	28, 1960	3:07 A. M.
2. October	29, 1960	1:20 A. M.
3. October	31, 1960	1:25 A. M.
4. November	1, 1960	3:05 A. M.
5. November	2, 1960	2:30 A. M.
6. November	4, 1960	2:45 A. M.
7. November	10, 1960	5:25 A. M.
8. November	9, 1960	6:25 A. M.
9. November	8, 1960	12:30 A. M.
10. November	6, 1960	2:00 A. M.
11. November	6, 1960	12:04 P. M.
12. November	5, 1960	1:55 A. M.
13. November	5, 1960	1:08 P. M.
14. November	11, 1960	2:05 A. M.
15. November	12, 1960	2:10 A. M.
16. November	13, 1960	3:10 A. M.
17. November	15, 1960	11:25 A. M.
18. November	16, 1960	11:15 A. M.

19.	November	17, 1960	11:35 A. M.
20.	November	19, 1960	1:12 A. M.
21.	November	22, 1960	1:05 A. M.
22.	November	22, 1960	1:20 P. M.
23.	November	23, 1960	12:15 P. M.
24.	November	24, 1960	2:45 A. M.
25.	November	24, 1960	11:15 A. M.
26.	November	25, 1960	12:55 P. M.
27.	November	28, 1960	10:30 A. M.
28.	November	29, 1960	11:15 A. M.
29.	November	30, 1960	11:15 P. M.
30.	December	1, 1960	2:15 P. M.
31.	December	1, 1960	4:00 A. M.
32.	December	2, 1960	1:25 A. M.
33.	December	2, 1960	11:50 P. M.
34.	December	3, 1960	1:20 A. M.
35.	December	9, 1960	1:52 A. M.
36.	December	15, 1960	3:30 A. M.
37.	December	23, 1960	3:35 A. M.
38.	March	17, 1961	12:30 A. M.
39.	April	14, 1961	1:40 A. M.
40.	June	2, 1961	2:25 A. M.
41.	June	2, 1961	3:15 A. M.
42.	June	9, 1961	1:45 A. M.
43.	June	9, 1961	5:00 A. M.
44.	August	4, 1961	5:45 A. M.

2. The Carrier will compensate the operator on duty at "MC" Dickerson Run at the time of the violations, eight hours at the pro rata rate of \$2.494 per hour. Claim is presented for \$19.95 for each and every violation listed above.

CLAIM NO. 2

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employees not covered by the Agreement, at Newell Yard to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

1.	October	29, 1960	10:30 P. M.
2.	December	3, 1960	6:30 P. M.
3.	December	4, 1960	7:15 P. M.
4.	December	9, 1960	8:45 P. M.
5.	December	10, 1960	8:00 P. M.
6.	December	14, 1960	9:50 P. M.
7.	December	15, 1960	6:20 P. M.
8.	December	16, 1960	4:20 P. M.

9.	December	17, 1960	6:45 P. M.
10.	December	22, 1960	7:30 P. M.
11.	December	23, 1960	4:00 P. M.
12.	December	25, 1960	6:17 P. M.
13.	December	29, 1960	5:15 P. M.
14.	December	31, 1960	5:50 P. M.
15.	December	16, 1960	11:30 P. M.
16.	December	18, 1960	11:45 P. M.
17.	December	22, 1960	11:50 P. M.
18.	December	24, 1960	6:30 P. M.
19.	December	28, 1960	10:00 P. M.
20.	December	30, 1960	6:50 P. M.
21.	January	4, 1961	4:05 P. M.
22.	January	5, 1961	6:40 P. M.
23.	January	6, 1961	5:05 P. M.
24.	January	7, 1961	6:10 P. M.
25.	January	8, 1961	4:25 P. M.
26.	January	11, 1961	6:30 P. M.
27.	January	12, 1961	8:05 P. M.
28.	January	13, 1961	6:00 P. M.
29.	January	13, 1961	8:13 P. M.
30.	January	14, 1961	8:35 P. M.
31.	January	15, 1961	6:45 P. M.
32.	January	16, 1961	4:10 P. M.
33.	January	17, 1961	8:35 P. M.
34.	January	18, 1961	6:45 P. M.
35.	January	19, 1961	7:00 P. M.
36.	January	19, 1961	4:00 P. M.
37.	January	20, 1961	6:45 P. M.
38.	January	20, 1961	1:50 A. M.
39.	January	20, 1961	6:05 P. M.
40.	January	21, 1961	3:30 P. M.
41.	January	21, 1961	10:10 P. M.
42.	January	22, 1961	4:25 P. M.
43.	January	22, 1961	7:45 P. M.
44.	March	19, 1961	4:40 P. M.
45.	March	18, 1961	4:30 P. M.
46.	March	17, 1961	5:20 P. M.
47.	March	15, 1961	10:15 P. M.
48.	March	8, 1961	4:40 P. M.
49.	March	9, 1961	5:50 P. M.
50.	March	10, 1961	9:15 P. M.
51.	March	11, 1961	5:15 P. M.
52.	March	12, 1961	4:15 P. M.
53.	April	8, 1961	9:40 P. M.
54.	April	7, 1961	9:00 P. M.

55.	April	7, 1961	4:10 P. M.
56.	April	6, 1961	7:30 P. M.
57.	April	5, 1961	4:55 P. M.
58.	April	2, 1961	7:40 P. M.
59.	April	2, 1961	7:50 P. M.
60.	April	1, 1961	6:05 P. M.
61.	April	1, 1961	4:45 P. M.
62.	March	30, 1961	6:50 P. M.
63.	March	30, 1961	4:05 P. M.
64.	March	29, 1961	7:50 P. M.
65.	March	29, 1961	4:40 P. M.
66.	March	23, 1961	7:40 P. M.
67.	March	22, 1961	6:50 P. M.
68.	March	25, 1961	10:35 P. M.
69.	March	24, 1961	8:30 P. M.
70.	April	21, 1961	7:06 P. M.
71.	April	20, 1961	7:20 P. M.
72.	April	16, 1961	7:10 P. M.
73.	April	16, 1961	6:55 P. M.
74.	April	14, 1961	7:25 P. M.
75.	April	13, 1961	8:55 P. M.
76.	April	13, 1961	6:35 P. M.
77.	April	12, 1961	6:15 P. M.
78.	March	13, 1961	4:10 P. M.
79.	March	14, 1961	9:30 P. M.
80.	March	20, 1961	5:50 P. M.
81.	March	21, 1961	5:20 P. M.
82.	March	27, 1961	4:45 P. M.
83.	March	28, 1961	4:25 P. M.
84.	March	3, 1961	4:10 P. M.
85.	March	4, 1961	7:40 P. M.
86.	March	11, 1961	4:35 P. M.
87.	May	21, 1961	5:45 P. M.
88.	May	20, 1961	7:55 P. M.
89.	May	19, 1961	6:25 P. M.
90.	May	18, 1961	8:00 P. M.
91.	May	17, 1961	8:50 P. M.
92.	May	15, 1961	3:50 P. M.
93.	April	24, 1961	5:45 P. M.
94.	April	25, 1961	5:45 P. M.
95.	May	9, 1961	3:00 P. M.
96.	May	16, 1961	3:55 P. M.
97.	May	8, 1961	4:40 P. M.
98.	June	8, 1961	8:35 P. M.
99.	June	8, 1961	4:25 P. M.
100.	June	7, 1961	6:30 P. M.

101.	June	3, 1961	4:45 P. M.
102.	June	2, 1961	6:45 P. M.
103.	May	31, 1961	6:50 P. M.
104.	May	24, 1961	4:40 P. M.
105.	May	24, 1961	9:40 P. M.
106.	May	25, 1961	4:35 P. M.
107.	May	25, 1961	7:25 P. M.
108.	May	26, 1961	5:55 P. M.
109.	May	27, 1961	3:30 P. M.
110.	May	27, 1961	3:45 P. M.
111.	May	27, 1961	8:35 P. M.
112.	May	28, 1961	5:50 P. M.
113.	May	28, 1961	6:10 P. M.
114.	May	14, 1961	6:05 P. M.
115.	May	13, 1961	3:30 P. M.
116.	May	12, 1961	6:20 P. M.
117.	May	11, 1961	5:05 P. M.
118.	May	10, 1961	3:25 P. M.
119.	May	7, 1961	5:50 P. M.
120.	May	6, 1961	3:15 P. M.
121.	May	4, 1961	5:35 P. M.
122.	May	3, 1961	4:10 P. M.
123.	April	30, 1961	6:40 P. M.
124.	April	30, 1961	6:25 P. M.
125.	April	29, 1961	6:05 P. M.
126.	April	28, 1961	4:50 P. M.
127.	April	27, 1961	9:05 P. M.
128.	April	26, 1961	9:23 P. M.
129.	May	23, 1961	7:15 P. M.
130.	June	29, 1961	3:45 P. M.
131.	May	30, 1961	4:20 P. M.
132.	June	5, 1961	2:55 P. M.
133.	June	6, 1961	4:10 P. M.
134.	June	12, 1961	2:50 P. M.
135.	June	13, 1961	3:30 P. M.
136.	June	14, 1961	5:20 P. M.
137.	June	14, 1961	4:15 P. M.
138.	June	15, 1961	3:45 P. M.
139.	June	15, 1961	5:35 P. M.
140.	June	16, 1961	4:00 P. M.
141.	June	16, 1961	3:05 P. M.
142.	June	17, 1961	3:40 P. M.
143.	June	19, 1961	3:15 P. M.
144.	June	19, 1961	3:05 P. M.
145.	June	20, 1961	4:20 P. M.
146.	June	26, 1961	5:00 P. M.

147.	June	27, 1961	2:30 P. M.
148.	July	3, 1961	4:15 P. M.
149.	July	3, 1961	7:55 P. M.
150.	July	3, 1961	6:50 P. M.
151.	July	18, 1961	7:40 P. M.
152.	July	24, 1961	6:50 P. M.
153.	July	25, 1961	2:50 P. M.
154.	July	25, 1961	7:40 P. M.
155.	August	1, 1961	6:35 P. M.
156.	August	7, 1961	8:05 P. M.
157.	August	8, 1961	4:00 P. M.
158.	August	15, 1961	4:25 P. M.
159.	August	21, 1961	3:10 P. M.
160.	August	22, 1961	2:50 P. M.

2. The Carrier will compensate the operator on duty at "MH" Newell at the time of the violations, eight hours at the pro rata rate of \$2.688 per hour. Claim is presented for \$21.19 for each and every violation listed above.

CLAIM NO. 3

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employees not covered by the Telegraphers' Agreement, at McKees Rocks, Pennsylvania, East Yard, to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

1.	November	16, 1960	7:00 P. M.
2.	November	18, 1960	3:15 A. M.
3.	November	18, 1960	3:25 A. M.
4.	November	18, 1960	2:22 A. M.
5.	November	18, 1960	2:59 A. M.
6.	November	18, 1960	3:35 A. M.
7.	November	18, 1960	3:40 - 4:00 P. M.
8.	November	18, 1960	9:05 P. M.
9.	November	19, 1960	7:45 P. M.
10.	November	19, 1960	7:45 P. M.
11.	November	20, 1960	8:45 P. M.
12.	November	20, 1960	7:25 P. M.
13.	November	23, 1960	6:00 A. M.
14.	November	23, 1960	5:45 P. M.
15.	November	24, 1960	2:30 A. M.
16.	November	24, 1960	5:30 A. M.
17.	November	24, 1960	7:55 P. M.
18.	November	24, 1960	8:30 P. M.
19.	November	25, 1960	1:00 A. M.
20.	November	25, 1960	4:00 P. M.

21.	November	26, 1960	1:00 A. M.
22.	November	26, 1960	4:30 P. M.
23.	November	27, 1960	10:00 P. M.
24.	November	27, 1960	7:45 P. M.
25.	November	28, 1960	11:00 P. M.
26.	November	27, 1960	11:15 A. M.
27.	November	27, 1960	11:15 A. M.
28.	November	27, 1960	11:35 A. M.
29.	November	27, 1960	1:00 A. M.
30.	November	27, 1960	12:30 A. M.
31.	November	28, 1960	3:30 A. M.
32.	December	1, 1960	9:05 P. M.
33.	December	1, 1960	9:50 P. M.
34.	March	23, 1961	6:50 A. M.
35.	March	2, 1961	7:40 P. M.
36.	March	23, 1961	8:05 P. M.
37.	March	23, 1961	4:40 P. M.
38.	March	2, 1961	9:25 P. M.
39.	March	9, 1961	8:40 P. M.
40.	March	10, 1961	3:30 A. M.
41.	March	3, 1961	7:30 A. M.
42.	March	12, 1961	
43.	March	2, 1961	2:20 A. M.
44.	March	2, 1961	7:30 A. M.
45.	March	10, 1961	3:30 A. M.
46.	March	10, 1961	3:30 A. M.
47.	March	2, 1961	2:50 A. M.
48.	March	2, 1961	2:15 A. M.
49.	March	2, 1961	2:15 A. M.
50.	March	2, 1961	2:30 A. M.
51.	March	3, 1961	1:45 A. M.
52.	March	5, 1961	(In the A. M.)
53.	March	6, 1961	9:50 P. M.
54.	March	6, 1961	8:00 P. M.
55.	March	7, 1961	10:20 P. M.
56.	March	7, 1961	7:35 P. M.
57.	March	8, 1961	11:10 P. M.
58.	March	17, 1961	12:35 A. M.
59.	March	16, 1961	1:05 A. M.
60.	March	17, 1961	4:40 A. M.
61.	March	10, 1961	3:00 A. M.
62.	March	14, 1961	10:50 P. M.
63.	March	14, 1961	8:00 P. M.
64.	March	13, 1961	10:05 P. M.
65.	March	13, 1961	7:50 P. M.
66.	March	21, 1961	10:20 P. M.

67. March	21, 1961	8:20 P. M.
68. March	23, 1961	4:45 A. M.
69. March	21, 1961	5:50 P. M.
70. March	20, 1961	7:20 P. M.
71. March	20, 1961	10:55 P. M.
72. March	24, 1961	5:30 A. M.
73. March	31, 1961	4:50 A. M.
74. March	26, 1961	9:45 A. M.
75. March	31, 1961	3:45 A. M.
76. March	27, 1961	10:15 P. M.
77. March	27, 1961	8:15 P. M.
78. March	30, 1961	5:15 A. M.

2. Carrier will compensate the operator on duty at "CH" Tower at the time of the violations, eight hours at the pro rata rate of \$2.826 per hour. Claim is presented for \$22.608 for each and every violation listed above.

CLAIM NO. 4

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Telegraphers' Agreement, at Youngstown, Ohio to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

1. March	7, 1961	11:30 P. M.
2. March	8, 1961	12:30 A. M.
3. March	8, 1961	3:00 A. M.
4. March	9, 1961	12:15 A. M.
5. March	9, 1961	1:00 A. M.
6. March	9, 1961	2:30 A. M.
7. March	10, 1961	1:30 A. M.
8. March	10, 1961	3:00 A. M.
9. March	10, 1961	12:30 A. M.
10. March	10, 1961	11:30 P. M.
11. March	11, 1961	1:30 A. M.
12. March	11, 1961	2:00 A. M.
13. March	17, 1961	2:15 A. M.
14. March	17, 1961	3:00 A. M.
15. March	18, 1961	1:00 A. M.
16. March	18, 1961	2:20 A. M.
17. March	18, 1961	2:30 A. M.
18. March	18, 1961	11:55 P. M.
19. March	19, 1961	12:20 A. M.
20. March	19, 1961	1:00 A. M.
21. March	22, 1961	11:15 P. M.
22. March	23, 1961	12:30 A. M.

23. March	23, 1961	3:00 A. M.
24. March	24, 1961	2:15 A. M.
25. March	24, 1961	2:35 A. M.
26. March	24, 1961	3:15 A. M.
27. March	24, 1961	11:15 P. M.
28. March	25, 1961	12:15 A. M.
29. March	25, 1961	12:45 A. M.
30. March	25, 1961	4:05 A. M.
31. March	25, 1961	11:30 P. M.
32. March	26, 1961	1:20 A. M.
33. March	28, 1961	12:15 A. M.
34. March	28, 1961	2:30 A. M.
35. March	29, 1961	12:35 A. M.
36. March	29, 1961	1:15 A. M.
37. March	29, 1961	3:00 A. M.
38. March	29, 1961	12:00 Midnight
39. March	29, 1961	11:35 P. M.
40. March	30, 1961	2:35 A. M.
41. March	30, 1961	1:40 A. M.
42. March	30, 1961	3:10 A. M.
43. March	31, 1961	1:15 A. M.
44. March	31, 1961	2:20 A. M.
45. March	31, 1961	3:55 A. M.

2. Carrier will compensate the operator on duty at "RS" Asst. at the time of the violations, eight hours at the pro rata rate of \$2.59 per hour. Claim is presented for \$20.72 for each and every violation listed above.

CLAIM NO. 5

1. Carrier violated the Telegraphers' Agreement, Article 1, Scope Rule, when it required or permitted clerks, employes not covered by the Agreement, at Gateway Yard, Struthers, Ohio, to transmit wheel reports of various trains to Pittsburgh by telephone on the dates and times listed below:

1. May	27, 1961	2:05 A. M.
2. May	27, 1961	3:00 A. M.
3. May	27, 1961	3:25 A. M.
4. May	27, 1961	4:05 A. M.
5. May	27, 1961	5:00 A. M.
6. June	1, 1961	12:15 A. M.
7. June	1, 1961	3:30 A. M.
8. June	1, 1961	3:00 A. M.
9. June	1, 1961	2:30 A. M.
10. June	1, 1961	5:15 A. M.
11. June	2, 1961	10:30 P. M.

12. June	2, 1961	11:45 P. M.
13. June	3, 1961	12:15 A. M.
14. June	3, 1961	12:30 A. M.
15. June	3, 1961	4:30 A. M.
16. June	3, 1961	10:30 P. M.
17. June	4, 1961	2:15 A. M.
18. June	4, 1961	2:30 A. M.
19. June	4, 1961	3:00 A. M.
20. June	4, 1961	3:45 A. M.
21. June	8, 1961	1:40 A. M.
22. June	8, 1961	4:00 A. M.
23. June	8, 1961	2:40 A. M.
24. June	9, 1961	12:30 A. M.
25. June	9, 1961	1:00 A. M.
26. June	9, 1961	3:00 A. M.
27. June	9, 1961	2:30 A. M.
28. June	9, 1961	3:45 A. M.
29. June	9, 1961	4:35 A. M.
30. June	13, 1961	11:40 P. M.
31. June	14, 1961	4:00 A. M.
32. June	14, 1961	3:00 A. M.
33. June	14, 1961	3:30 A. M.
34. June	13, 1961	11:20 P. M.
35. June	14, 1961	11:40 P. M.
36. June	15, 1961	2:45 A. M.
37. June	15, 1961	3:30 A. M.
38. June	15, 1961	3:50 A. M.
39. June	15, 1961	4:10 A. M.
40. June	16, 1961	12:30 A. M.
41. June	16, 1961	1:00 A. M.
42. June	16, 1961	2:20 A. M.
43. June	16, 1961	3:20 A. M.
44. June	16, 1961	4:45 A. M.
45. June	16, 1961	11:45 P. M.
46. June	16, 1961	8:00 P. M.
47. June	16, 1961	11:15 P. M.
48. June	16, 1961	11:59 P. M.
49. June	17, 1961	2:00 A. M.
50. June	17, 1961	4:00 A. M.
51. June	17, 1961	2:50 P. M.
52. June	17, 1961	9:00 P. M.
53. June	17, 1961	10:30 P. M.
54. June	20, 1961	7:40 A. M.
55. June	20, 1961	1:20 P. M.
56. June	20, 1961	10:15 P. M.
57. June	21, 1961	12:30 A. M.

58.	June	21, 1961	1:30 A. M.
59.	June	21, 1961	6:30 A. M.
60.	June	21, 1961	10:25 P. M.
61.	June	22, 1961	12:15 A. M.
62.	June	22, 1961	12:45 A. M.
63.	June	22, 1961	1:30 A. M.
64.	June	22, 1961	2:00 A. M.
65.	June	22, 1961	3:00 A. M.
66.	June	22, 1961	11:00 A. M.
67.	June	22, 1961	6:00 P. M.
68.	June	22, 1961	10:15 P. M.
69.	June	23, 1961	5:00 A. M.
70.	June	23, 1961	5:30 A. M.
71.	June	23, 1961	12:00 Noon
72.	June	23, 1961	8:00 A. M.
73.	June	23, 1961	6:00 A. M.
74.	June	24, 1961	12:45 A. M.
75.	June	24, 1961	2:00 A. M.
76.	June	24, 1961	2:30 A. M.
77.	June	24, 1961	2:45 A. M.
78.	June	24, 1961	12:30 P. M.
79.	June	24, 1961	7:40 P. M.
80.	June	25, 1961	2:00 A. M.
81.	June	25, 1961	3:10 A. M.
82.	June	25, 1961	3:30 A. M.
83.	June	28, 1961	1:00 A. M.
84.	June	28, 1961	3:00 A. M.
85.	June	28, 1961	4:00 A. M.
86.	June	28, 1961	6:50 P. M.
87.	June	28, 1961	10:15 P. M.
88.	June	29, 1961	12:15 A. M.
89.	June	29, 1961	1:00 A. M.
90.	June	29, 1961	2:00 A. M.
91.	June	29, 1961	8:00 A. M.
92.	June	29, 1961	1:00 A. M.
93.	July	1, 1961	1:20 A. M.
94.	July	1, 1961	2:30 A. M.
95.	July	1, 1961	3:15 A. M.
96.	July	1, 1961	6:50 A. M.
97.	July	1, 1961	12:25 P. M.
98.	July	1, 1961	9:00 P. M.
99.	July	4, 1961	12:05 A. M.
100.	July	4, 1961	12:45 A. M.
101.	July	4, 1961	12:30 P. M.
102.	July	4, 1961	1:10 P. M.
103.	July	5, 1961	12:40 A. M.

104.	July	5, 1961	1:00 A. M.
105.	July	5, 1961	11:30 A. M.
106.	July	5, 1961	9:00 P. M.
107.	July	5, 1961	10:55 P. M.
108.	July	6, 1961	1:30 A. M.
109.	July	6, 1961	6:20 A. M.
110.	July	6, 1961	6:50 A. M.
111.	July	6, 1961	12:40 P. M.
112.	July	6, 1961	8:15 P. M.
113.	July	6, 1961	9:00 P. M.
114.	July	7, 1961	1:45 A. M.
115.	July	7, 1961	2:00 A. M.
116.	July	7, 1961	11:30 A. M.
117.	July	7, 1961	8:00 P. M.
118.	July	8, 1961	12:15 A. M.
119.	July	8, 1961	3:35 A. M.
120.	July	•8, 1961	4:00 A. M.
121.	July	8, 1961	9:05 A. M.
122.	July	8, 1961	11:40 A. M.
123.	July	8, 1961	9:15 P. M.
124.	July	9, 1961	2:00 A. M.
125.	July	11, 1961	1:30 A. M.
126.	July	11, 1961	11:30 A. M.
127.	July	11, 1961	7:00 P. M.
128.	July	11, 1961	12:00 Midnight
129.	July	12, 1961	1:00 A. M.
130.	July	12, 1961	11:30 A. M.
131.	July	12, 1961	9:00 P. M.
132.	July	13, 1961	1:00 A. M.
133.	July	13, 1961	2:30 A. M.
134.	July	13, 1961	3:00 A. M.
135.	July	13, 1961	11:00 A. M.
136.	July	13, 1961	8:40 P. M.
137.	July	14, 1961	1:10 A. M.
138.	July	14, 1961	5:50 A. M.
139.	July	14, 1961	7:30 A. M.
140.	July	14, 1961	2:40 P. M.
141.	July	14, 1961	11:00 P. M.
142.	July	14, 1961	11:55 P. M.
143.	July	15, 1961	12:45 A. M.
144.	July	15, 1961	5:30 A. M.
145.	July	15, 1961	11:05 A. M.
146.	July	15, 1961	8:40 A. M.
147.	July	16, 1961	1:00 A. M.
148.	July	16, 1961	1:45 A. M.
149.	July	16, 1961	2:15 A. M.

150. July	19, 1961	12:45 A. M.
151. July	19, 1961	12:15 P. M.
152. July	19, 1961	8:25 P. M.
153. July	19, 1961	10:15 P. M.
154. July	19, 1961	10:30 P. M.
155. July	20, 1961	12:15 A. M.
156. July	20, 1961	12:35 A. M.
157. July	20, 1961	2:55 P. M.
158. July	20, 1961	8:25 P. M.
159. July	20, 1961	11:35 P. M.
160. July	21, 1961	2:00 A. M.
161. July	21, 1961	3:15 A. M.
162. July	21, 1961	6:40 P. M.
163. July	21, 1961	9:20 P. M.
164. July	21, 1961	11:25 P. M.
165. July	21, 1961	11:50 P. M.
166. July	22, 1961	2:10 A. M.
167. July	22, 1961	1:30 A. M.
168. July	22, 1961	4:30 A. M.
169. July	22, 1961	12:30 P. M.
170. July	22, 1961	7:30 P. M.
171. July	22, 1961	8:35 P. M.
172. July	25, 1961	12:50 A. M.
173. July	25, 1961	3:20 A. M.
174. July	25, 1961	3:50 A. M.
175. July	25, 1961	1:35 P. M.
176. July	25, 1961	5:30 P. M.
177. July	25, 1961	8:40 P. M.
178. July	27, 1961	12:45 A. M.
179. July	27, 1961	1:05 A. M.
180. July	27, 1961	1:50 A. M.
181. July	27, 1961	11:00 A. M.
182. July	27, 1961	9:30 P. M.
183. July	27, 1961	10:00 P. M.
184. July	27, 1961	11:50 P. M.
185. July	28, 1961	12:40 A. M.
186. July	28, 1961	3:20 A. M.
187. July	28, 1961	7:00 A. M.
188. July	28, 1961	9:00 A. M.
189. July	28, 1961	6:25 P. M.
190. July	28, 1961	11:25 P. M.
191. July	29, 1961	12:10 A. M.
192. July	29, 1961	12:45 A. M.
193. July	29, 1961	2:15 A. M.
194. July	29, 1961	12:45 P. M.
195. July	29, 1961	7:50 P. M.

196.	July	29, 1961	11:00 P. M.
197.	July	29, 1961	11:20 P. M.
198.	July	30, 1961	1:15 A. M.
199.	July	30, 1961	1:45 A. M.
200.	August	1, 1961	4:10 A. M.
201.	August	1, 1961	4:55 A. M.
202.	August	1, 1961	6:00 A. M.
203.	August	1, 1961	7:30 P. M.
204.	August	1, 1961	7:55 P. M.
205.	August	2, 1961	6:10 A. M.
206.	August	2, 1961	7:25 A. M.
207.	August	2, 1961	8:00 A. M.
208.	August	2, 1961	5:30 P. M.
209.	August	2, 1961	8:45 P. M.
210.	August	2, 1961	10:15 P. M.
211.	August	2, 1961	10:30 P. M.
212.	August	3, 1961	12:05 A. M.
213.	August	3, 1961	1:00 A. M.
214.	August	3, 1961	1:15 A. M.
215.	August	3, 1961	2:00 A. M.
216.	August	3, 1961	2:35 A. M.
217.	August	3, 1961	6:00 P. M.
218.	August	3, 1961	7:15 A. M.
219.	August	3, 1961	9:35 P. M.
220.	August	3, 1961	9:35 P. M.
221.	August	4, 1961	12:05 A. M.
222.	August	4, 1961	12:30 A. M.
223.	August	4, 1961	2:00 A. M.
224.	August	4, 1961	3:00 P. M.
225.	August	4, 1961	8:20 P. M.
226.	August	5, 1961	2:15 A. M.
227.	August	5, 1961	2:40 A. M.
228.	August	5, 1961	3:30 A. M.
229.	August	5, 1961	3:50 A. M.
230.	August	5, 1961	12:30 P. M.
231.	August	5, 1961	8:05 P. M.
232.	August	6, 1961	12:15 A. M.
233.	August	6, 1961	12:30 A. M.
234.	August	6, 1961	2:00 A. M.
235.	August	6, 1961	2:40 A. M.
236.	August	6, 1961	4:45 A. M.
237.	August	8, 1961	12:05 A. M.
238.	August	8, 1961	2:15 A. M.
239.	August	8, 1961	2:45 A. M.
240.	August	8, 1961	10:30 A. M.
241.	August	8, 1961	6:30 P. M.

242.	August	8, 1961	6:30 P. M.
243.	August	9, 1961	12:30 A. M.
244.	August	9, 1961	1:00 A. M.
245.	August	9, 1961	2:00 A. M.
246.	August	9, 1961	2:30 A. M.
247.	August	9, 1961	7:45 A. M.
248.	August	9, 1961	12:30 P. M.
249.	August	9, 1961	8:10 P. M.
250.	August	10, 1961	12:05 A. M.
251.	August	10, 1961	2:00 A. M.
252.	August	10, 1961	2:30 A. M.
253.	August	10, 1961	2:35 P. M.
254.	August	10, 1961	8:15 P. M.
255.	August	10, 1961	10:45 P. M.
256.	August	10, 1961	9:00 P. M.
257.	August	11, 1961	1:00 A. M.
258.	August	11, 1961	1:35 A. M.
259.	August	11, 1961	2:00 A. M.
260.	August	11, 1961	8:00 A. M.
261.	August	11, 1961	2:15 P. M.
262.	August	11, 1961	9:15 P. M.
263.	August	11, 1961	11:30 and 11:55 P. M.
264.	August	12, 1961	4:00 A. M.
265.	August	12, 1961	5:30 A. M.
266.	August	12, 1961	6:30 A. M.
267.	August	12, 1961	7:00 P. M.
268.	August	12, 1961	7:45 P. M.
269.	August	12, 1961	8:15 P. M.
270.	August	12, 1961	10:20 P. M.
271.	August	13, 1961	1:45 A. M.
272.	August	13, 1961	3:15 A. M.
273.	August	16, 1961	1:45 A. M.
274.	August	16, 1961	2:30 A. M.
275.	August	16, 1961	12:05 P. M.
276.	August	16, 1961	2:25 and 3:00 P. M.
277.	August	16, 1961	8:20 P. M.
278.	August	17, 1961	1:25 A. M.
279.	August	17, 1961	2:00 A. M.
280.	August	17, 1961	2:30 A. M.
281.	August	17, 1961	3:00 P. M.
282.	August	17, 1961	4:45 A. M.
283.	August	17, 1961	4:00 P. M.
284.	August	17, 1961	11:15 P. M.
285.	August	17, 1961	11:30 P. M.
286.	August	18, 1961	12:30 A. M.
287.	August	18, 1961	2:15 A. M.

288.	August	18, 1961	9:30 A. M.
289.	August	18, 1961	11:30 A. M.
290.	August	18, 1961	9:15 P. M.
291.	August	19, 1961	1:15 A. M.
292.	August	19, 1961	12:45 A. M.
293.	August	19, 1961	3:15 A. M.
294.	August	19, 1961	4:00 A. M.
295.	August	19, 1961	4:45 A. M.
296.	August	19, 1961	12:45 P. M.
297.	August	19, 1961	2:15 P. M.
298.	August	19, 1961	8:15 P. M.
299.	August	19, 1961	9:30 P. M.
300.	August	19, 1961	11:25 P. M.

2. The Carrier will compensate the operators on duty at "RS" Asst. at the time of the violations, eight hours at the pro rata rate of \$2.59 per hour. Claim is presented for \$20.72 for each and every violation listed above.

EMPLOYEES' STATEMENT OF FACTS: This dispute arose when the Carrier removed the work of transmitting wheel reports from the Telegraphers at Dickerson Run, Pennsylvania in Claim No. 1; Newell Yard in Claim No. 2; McKees Rocks, Pennsylvania East Yard in Claim No. 3; Youngstown, Ohio in Claim No. 4; and Gateway Yard, Struthers, Ohio in Claim No. 5. It will be noted that the claim dates in Claim No. 5 at Gateway Yard are dates following the violations cited in a previous claim served on your Board under ORT File 3376. At each location the Carrier removed the work from the Telegraphers and required clerks, not covered by the agreement, to perform the work that had previously been done by the Telegraphers. Prior to the date of the beginning of these claims, the Carrier sent the following instructions:

"Newell, Pennsylvania
June 2, 1960

All Road Conductors:

Effective at once all Road Conductors must leave their wheel reports and delay reports in the Scale Office on the Operator's desk downstairs. When through with wheel reports the Operators will then return same to the Yard Office.

/s/ H. P. Schultz
General Yard Master

cc: C. M. Lingle
W. S. Coleman"

In connection with the above instructions the Carrier sent two officials to Dickerson Run to properly instruct the telegraph operators in how to transmit the wheel reports by teletype to "BE" Office, Pittsburgh, Pennsylvania. The following instructions were issued by the Carrier at Dickerson Run, Pennsylvania:

"Dickerson Run, Pa.
May 20, 1960
File 18

Yard Clerks at D Run
Yardmasters and all concerned:

Under date of August 23, 1961, carrier discontinued the operation described above due to the inadequacy of the information received, as well as the fact that the program instituted on October 10, 1960, was found not to be serving a useful purpose. Since August 23, 1961, carrier has handled wheel reports by mail in the same manner as prior to October 10, 1960.

In addition to the claims contained in this dispute, the employees have filed additional claims of this nature in favor of the telegraph operator at Struthers, another of carrier's terminals. These claims are being handled with this Division by the Telegraphers' Organization in a separate ex parte submission, identified as Cases Nos. 1 through 129, File ORT 3376.

The claims of the Employees in this dispute are based on the allegation that clerks at various final terminals, i.e., Dickerson Run, Newell, McKees Rocks and Struthers, transmitted wheel reports to Pittsburgh, Pa., on various dates and times, and same was a violation of Article 1, Scope Rule, of the Telegraphers' Agreement.

Dickerson Run, Newell, McKees Rocks and Struthers are final terminals for road crews, thus wheel reports, as set forth above, have been telephoned by clerks from these terminals to the Consolidated Tabulating Bureau in Pittsburgh, Pa.

On December 11, 1961, carrier received a copy of President Leighty's letter dated December 8, 1961, to Executive Secretary Schulty of the Third Division, National Railroad Adjustment Board, advising the Division of its intention to submit the dispute to the Board for adjudication.

The claims identified as Case Nos. 21 through 43, as listed in Section 1 of the Employees' Claim No. 2, have not been progressed to or denied by the Director of Personnel, the highest officer of the carrier designated to handle claims and grievances.

The claims identified as Case No. 44 of Claim No. 1, Cases Nos. 153 through 160, and Cases Nos. 125 through 300 of Claim No. 5, were presented to this Division prior to handling with carrier's Director of Personnel.

The claims identified as Cases Nos. 1 through 46 of Claim No. 3 have been changed or amended when presented to this Division, and are not the same claims that were handled on the property.

All claims progressed to the Director of Personnel were denied on the basis that the work in connection with handling wheel reports has always been performed by clerks and the telephoning of information from wheel reports by clerks was not in violation of the Telegraphers' Agreement.

(Exhibits not reproduced.)

OPINION OF BOARD: Because the issue and facts in this Docket are identical with those in Award 14932, which was this day denied, a denial Award is likewise required in this Docket.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 16th day of November 1966.