

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

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

DETROIT, TOLEDO AND IRONTON RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Detroit, Toledo & Ironton Railroad, that:

CLAIM NO. 1

1. Carrier violated the terms of an agreement between the parties hereto when on Sunday, February 11, 1962, it required or permitted Clerk Rice, an employe not covered by the parties' agreement, to perform work of a telephone operator by transmitting a report of record over the telephone at Lima, Ohio to the train dispatcher at Dearborn, Michigan.

2. The Carrier shall, because of the violation set out in paragraph 1 hereof, compensate the senior idle available extra employe, or in the absence of such, the senior regularly assigned employe idle on his rest day, a day's pay (8 hours) at the straight time minimum rate for telephone operators. The name of such idle employe to be determined by a joint check of Carrier's records.

CLAIM NO. 2

1. Carrier violated the terms of an agreement between the parties hereto when on Monday, March 12, 1962, it required or permitted an employe not covered by said agreement to perform work of a telephone operator by transmitting a report of record over the telephone at Springfield Yard, Springfield, Ohio, to the operator at Dearborn, Michigan.

2. The Carrier shall, because of the violation set out in paragraph 1 hereof, compensate the senior idle available extra employe, or in the absence of such, the senior regularly assigned employe idle on his rest day, a day's pay (8 hours) at the straight time minimum rate for telephone operators. The name of such idle employe to be determined by a joint check of Carrier's records.

When D&I Junction was closed, Penford Tower was designated as the relay point.

OPINION OF BOARD: The questions presented in this dispute are identical to those decided in Award 15488, and that Award is controlling.

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

The Claims are denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of April 1967.