

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION****(Supplemental)**

Nathan Engelstein, Referee

PARTIES TO DISPUTE:**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)****NORFOLK AND WESTERN RAILWAY COMPANY
(Involving employees of the former Wabash Railroad Company)**

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

1. Carrier violated Rule 1(c) of the parties' Agreement when it required and permitted Rex Harter, relief track supervisor, an employe not covered by said Agreement, to deliver Train Order No. 36 to Extra 470 East at Benton Street, Peru, Indiana.

2. Carrier shall, because of the violation set out in paragraph 1 hereof, compensate A. L. Brehmer, regular occupant of the second shift telegrapher position, Peru, Indiana, who was available to perform the work, a "call" in accordance with the provisions of Rule 5.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the Wabash Railroad Company, hereinafter referred to as Carrier, and its employes represented by The Order of Railroad Telegraphers, hereinafter referred to as Employes and/or Organization, effective September 1, 1955, and as amended. Copies of said Agreements are available to your Board and are, by this reference, made a part hereof.

At page 26 of said Agreement, under Rule 27, are listed the positions existing at Peru, Indiana, on the effective date of said Agreement. For ready reference, the listing reads:

Location	Title	Rate Per Hour
Peru	1st T	\$2.02½
	2nd T	1.98½
	3rd T	1.98½

The above listing of positions at Peru, Indiana, establishes: (1) that each position is a Telegrapher-Telephoner position (Rule 26), classified in accordance with the Scope Rule (Rule 1) designation of positions, (2) that the work

OPINION OF BOARD: The same issue, parties, and rules were before this Board and disposed of by Award No. 15548. For the reasons presented in that Award, we hold the Agreement was violated and compensation is allowed on a call basis. Also, see Awards 12965, 12921, 12852 and 13360.

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 in accordance with above Opinion.

AWARD

Claim sustained.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 5th day of May 1967.