

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19245
Docket Number TD-18908

David Dolnick, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The St. Louis-San Francisco Railway Company (hereinafter "the Carrier") violated the effective Agreement between the parties, Article 1 thereof in particular, when on June 24, 1969 it required and/or permitted other than those covered thereby, to perform work covered by said Agreement.

(b) Carrier shall now compensate Train Dispatcher W. J. Ludwig one day's compensation at time and one-half the daily rate applicable to Assistant Chief Dispatcher for said violation on the rest day of Claimant.

OPINION OF BOARD: The Trainmaster at Enid, Oklahoma issued the following instructions to the crew of Train 637 at Cherokee Yard and to the Chief Dispatcher:

"En Enid June 24-69 540 PM

"HOB SO
C&E No. 637 CY

"Pick up at Summer 5-0-610 tons list and bills in box Morrison
pick up at Lucien 4-11-850 tons list and bills in box Lucien
pick up at Fairmont ACL 89655-121771-122070-120318 and ACL
120871 wheat for Enid waybills at Enid

WHH"

This message is neither a train order nor does it involve a distribution of power and equipment. It is merely an order for a pick up which is not work that belongs exclusively to Train Dispatchers under the Scope Rule. See the awards by this Board and Public Law Board No. 588, on this property, cited in Award 19244.

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 Carrier did not violate the Agreement

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May 1972.