

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20646  
Docket Number CL-20508

Robert A. Franden, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees

PARTIES TO DISPUTE: (

(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7420) that:

1. Carrier violated the Telegraphers' Agreement (TCU) when it required a train crew employe, Train Conductor, who is not covered by the Agreement, to "OS" Train No. 171, when such train left Nebraska City, Nebraska, Sunday, July 23, 1972, claimant's assigned rest day. (Carrier File 380-3016).

2. Carrier shall now be required to compensate Telegrapher-Clerk A. L. Gilbert, three hours' pay at pro rata rate for such violation, as he was available for a call to "OS" Train No. 171.

OPINION OF BOARD: Petitioner contends that the Agreement was violated because a conductor allegedly was required to "OS" train No. 171 at Nebraska City, Nebraska on Sunday, July 23, 1972, claimant's assigned rest day.

The record shows that on the date of the claim Carrier's Trainmaster at Omaha, Nebraska instructed the telegrapher on duty at Omaha to contact the conductor of train No. 171 by radio and determine his location so that the Trainmaster could plan his yard operation accordingly. For some reason not explained, the telegrapher at Omaha was unable to make a direct radio contact with train No. 171. The Trainmaster then arranged through the telegrapher for the dispatcher to patch his radio through to the train at Nebraska City. The dispatcher did this, and the conductor advised the Trainmaster direct that the train was then leaving Nebraska City. The Carrier stated in the handling on the property, and the Organization did not refute, that the train dispatcher made no record of the information and that the alleged "OS" was not used by the train dispatcher in connection with the movement of train No. 171 nor any other train.

This Board has held that the obtaining of information by use of radio from other than telegraphers in connection with planning yard work is not a violation of the Agreement. Awards 13303 and 13915. The record in the dispute calls for a like decision, and the claim will be denied.

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 21st day of March 1975.