

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21634
Docket Number CL-21599

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(Illinois Central Gulf Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8148) that:

(a) Carrier violated Rule 1, Scope and Rule 2, Handling Train Orders of the November 1, 1974 Clerks' Agreement, at Marshall, Missouri, when on May 7, 1975, regularly assigned train order operator's duties were performed by employees not subject to any of the rules of the BRAC Agreement, and

(b) Operator R. K. Farrell shall now be compensated for a call, in the amount of \$22.48, for this permitted or required violation of the November 1, 1974 Clerks' Agreement.

OPINION OF BOARD: The Organization asserts that pertinent agreement rules permit only employees covered by its agreement to receive, copy and deliver train orders.

On May 7, 1975, Train Order No. 57 was given by the Dispatcher to Claimant (Operator-Clerk) who copied the order and delivered it - by telephone - to the Conductor at a location where employees subject to the Clerks' Agreement were not employed.

Except in emergency situations (where Dispatchers - or others not normally entitled to do so - handle train orders), a Telegrapher is the employee who is entitled to perform the work of receiving, copying and delivering train orders; and, under the record of this dispute, we conclude that this Claimant did, in fact, handle the train order - not the Conductor. Accordingly, we find no basis to determine that the Agreement was violated.

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;

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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 29th day of July 1977.

