

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22154  
Docket Number CL-22201

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8437) that:

1. The Western Pacific Railroad Company violated Rule 31 of the Clerk-Telegraphers Rules when commencing June 1, 1976, they left Train Orders unattended on a daily basis between the hours of 2:00 P.M. and 7:00 P.M. in Oakland, California.

2. The Carrier shall now compensate Mr. L. J. Lund one hour compensation daily beginning June 1, 1976, and to continue on a daily basis until violation ceases.

OPINION OF BOARD: Claimant seeks one hour's compensation each day because train orders were allegedly being left unattended. He bases the claim upon an Agreement which states that the telegrapher on duty at the nearest station will be allowed one (1) hour of compensation when a member of a train crew is required to copy a train order in other than an emergency situation, or whenever a telegrapher is required to leave clearances or train orders unattended on the train register.

On the property, Carrier pointed out that there is twenty-four hour coverage by clerical forces at the location and that train orders are not left unattended. Further, Carrier urges that there are clerks on duty at the time the train orders and clearances are to be delivered. Between 2:00 p.m. and 7:00 p.m. (the crucial time) it is the Assistant Chief Clerk's responsibility to assure that train orders previously copied by the telegrapher are delivered. Thus, there is no reason to call a telegrapher to make delivery.

The Carrier argues that we are confronted, of course, with a single scope rule in this case and with employees covered by the same Agreement performing the function. In any event, we do not feel that

the Claimant has presented a factual showing, on the property, which justifies a conclusion that train orders are being left unattended to the point that compensation is thereby warranted.

We will deny the claim.

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;

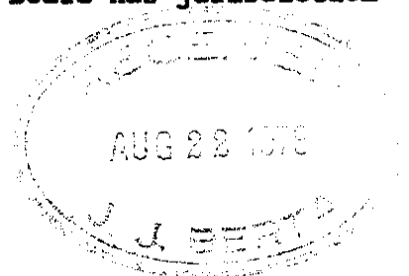
That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

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 31st day of July 1978.