

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24155
Docket Number CL-24187

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Maine Central Railroad Company (Portland Terminal Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9487) that:

1. Carrier violated the Agreement between the parties on February 8, 1979, when Carrier assigned the relaying of information contained in Form X-7, Train RY-2, 2/7 to Dispatchers' office by persons not within the Scope Rule of the Telegraphers' Agreement.

2. Carrier shall compensate W. D. Graham, 1st Trick Operator, PN Office, Rigby, Maine, two (2) hours punitive rate of pay, February 8, 1979. Carrier violated Article 1 and 7 of the Telegraphers' Agreement.

OPINION OF BOARD: There is no dispute relative to the factual situation in this case. Claimant was the regularly assigned Operator on the first shift. After he had completed his tour of duty and had gone home, a clerical employe in the performance of his normal duties prepared an X-7 form (a consist report of a departing train) and transmitted the information by telephone to the Train Dispatcher.

The Organization alleges that the Claimant Operator should have been called in to transmit the train consist information to the Train Dispatcher. Carrier, on the other hand, contends that the use of the Clerk to transmit such train consist information is both common practice and not violative of the Telegrapher's Scope Rule. This contention is not seriously challenged in the record before the Board.

From a review of the record in this case, the Board is unable to find any proof of a violation of any rule of the Telegrapher's Agreement.

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 Employes involved in this dispute are respectively Carrier and Employes 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: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.

