

SPECIAL BOARD OF ADJUSTMENT NO. 117

ORDER OF RAILROAD TELEGRAPHERS
and
MISSOURI PACIFIC RAILROAD COMPANY

Carrier required or permitted Messenger-Clerk Vincent Anzalone, an employe not covered by the Telegraphers' Agreement to perform the work of transmitting telegrams by teletype in "CY" Office, Kansas City, Mo., on August 27 and September 16, 1956; compensation to be paid to late night chief operator F. J. Schoolman for one call, two hours, at time and one-half for violations on August 27 and September 16, 1956.

OPINION OF BOARD: This claim concerns the alleged violation of the effective agreement on August 27 and September 16, 1956, by reason of the alleged improper performance of telegrapher duties in the "CY" Office, Kansas City, Mo., by an employe not covered by the Telegraphers' Agreement. Reparations are sought for a call at the punitive rate for the two alleged violations herein above set out.

The record indicates that on August 27 some three or four teletype messages were sent by an employe, Vincent Anzalone, who was not an employe covered by the Telegraphers' Agreement, but who, at the time in question, was attempting to become proficient in the art of telegraphy when such opportunity presented itself. On September 16, 1956, it is apparent that some 16 to 18 teletype messages were sent by the said Anzalone.

The Board is of the opinion that while the attempt by the employe in question to become proficient in the art of telegraphy is an admirable desire, and that while the sending of the three messages on August 27, while admittedly a technical violation of the agreement, is not such as to justify the granting of reparations for this date.

The Board is of the further opinion, however, the sending of 16 to 18 messages on September 16 was not of a trivial nature and occurred after advice to the contrary had been transmitted, for which reason reparations to the extent of one call for the latter named date, that is, September 16, 1956, is warranted as a penalty.

FINDINGS: The Special Board of Adjustment No. 117, upon the whole record and all the evidence, finds and holds:

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;

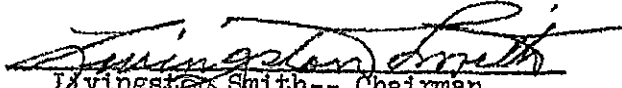
That this Special Board of Adjustment has jurisdiction over the dispute involved herein; and

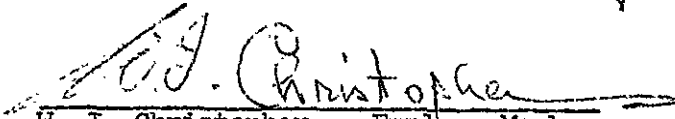
That the agreement was violated to the extent indicated in the above Opinion.

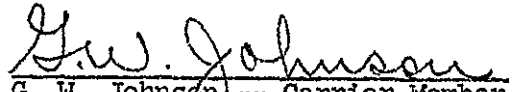
Award No. 85
Docket No. 85

AWARD: Claim sustained for one call for September 16, 1956.

SPECIAL BOARD OF ADJUSTMENT NO. 117


Livingston Smith -- Chairman


W. I. Christopher -- Employee Member


G. W. Johnson -- Carrier Member

St. Louis, Missouri
October 16, 1957