

SPECIAL BOARD OF ADJUSTMENT NO. 132

PARTIES: THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 46

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when, commencing on or about November 27, 1951, it caused, required and permitted employees not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) train line-ups pertaining to the location and movement of trains for the protection of men and equipment of the Teleweld Company who were welding rail joints between Deer Park and Altamont, Maryland, which work was and is reserved solely to employees covered by the Telegraphers' Agreement.

2. Carrier be required to permit a joint check of its records to determine the number of days telegraphers' agreement was violated.

3. Carrier be required to compensate the senior idle telegrapher (extra in preference) for one day's pay (8 hours) on each and every date on which a joint check of records shows agreement to have been violated.

FINDINGS:

As part of their duties in affording protection to men and equipment of the Teleweld Company flagmen from the Maintenance of Way forces communicated with operators to obtain information concerning movements of trains. The Teleweld Company by an electric welding process builds up rail ends.

The Carrier pleads that the work performed by the Maintenance of Way forces comes within the interpretation of Article 33.

The record clearly establishes that it has been the practice and was the practice prior to the writing of the interpretation to Article 33 for Maintenance of Way Employees to afford protection to the Teleweld men and equipment in the same manner as now complained of. There is, therefore, little, if any, distinction between this claim and that involved in our Award in Docket No. 72. For the reasons given therein we find no merit in the instant claims.

AWARD

Claims (1) (2) and (3) denied.

/s/ B. N. Kinkead  
B. N. Kinkead  
Employe Member, Dissenting

/s/ Francis J. Robertson  
Francis J. Robertson  
Chairman  
/s/ T. S. Woods  
T. S. Woods  
Carrier Member

Dated at Baltimore, Md., this 26th day of April, 1957.

July 5, 1957/th