

SPECIAL BOARD OF ADJUSTMENT NO. 132

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

AWARD IN DOCKET NO. 92

STATEMENT OF CLAIM: 1. Carrier violated the agreement between the parties hereto when on July 6, 1955, it caused, required and permitted Engineer Flaherty, on Extra 4630 East, an employee not covered by the Telegraphers' Agreement to handle, (receive, copy and deliver) Train Order No. 13 at Mannington, West Virginia, which work was and is solely reserved to employees covered by the Telegraphers' Agreement.

2. Carrier be required to compensate the senior idle telegrapher (Extra in preference) for pay for one day (8 hours) on the 6th day of July, 1955.

FINDINGS: The record indicates that in 1938 pursuant to Agreement the telegraph office at Mannington, West Virginia was changed from a three-trick to a one-trick operation. The office was discontinued in 1940.

Carrier contends that in making the Agreement, referred to above, it was contemplated that some orders might be copied outside the hours of the position and, therefore, inasmuch as the copying of the train order here complained of occurred outside the hours of the position before it was discontinued there is no basis for complaint.

There is no indication in the 1938 Agreement that the Employees agreed to the receipt and copying of train orders by other than telegraphers outside the hours of the Telegraphers' assignment. The copying of train orders at that point in view of the fact that a telegrapher had been established at the point is a violation of Article 35.

AWARD

Claim (1), (2) Sustained.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

/s/ B. N. Kinkead
B. N. Kinkead,
Employee Member

/s/ T. S. Woods
T. S. Woods,
Carrier Member

Dated at Baltimore, Maryland this 24th day of April, 1957.