

SPECIAL BOARD OF ADJUSTMENT NO. 186

AWARD NO. 16

Organization's File

R-988

Carrier's File

TE-3-57

STATEMENT OF CLAIM:

"1. Carrier violated and continues to violate the agreement between the parties when at Burnham, North Yard, Denver, Pueblo, and Grand Junction, Colorado; and Roper and the uptown ticket office at Salt Lake City, Utah, it requires and permits employees other than those covered by the Telegraphers Agreement to operate teletypes or other mechanical telegraph machines while such machines are connected to reperforators or repeaters and/or through circuits, thereby transmitting communications of record from one city to another.

"2. Carrier shall compensate the senior idle extra employees holding seniority in the seniority district where the violation occurs in an amount equivalent to one day's pay of eight hours for each eight hour shifts or periods on each day at each location commencing sixty days prior to the date of filing the original claim (January 23, 1957) and continuing on a day to day basis until the violation is corrected; in the event no extra employees were or are idle to have performed or to perform the work, Carrier shall then compensate the senior employee idle on rest day or any employee who could have been used on an overtime basis or called in accordance with the telegraphers Agreement's rules, such employees to be determined by joint check of the Carriers' records."

FINDINGS: At the yard offices here involved, employees under the clerical agreement have prepared wheel reports and train consists by use of teletype machine connected by wire circuit to the local relay telegraph office at each of the terminals involved, where the message is transcribed in writing. At the receiving telegraph office these machines have been connected to reperforators so that in addition to the printed copy of the consist or wheel report there was also a tape reproduction. By use of this tape the telegrapher was able to transmit this information to other terminals without the necessity of retyping it from the printed copy.

Award No. 16 (Continued)

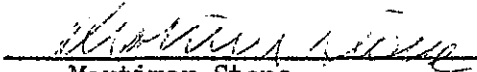
The Scope Rule in the Telegraphers' Agreement included printer operators but excepted the work on teletype machines here performed by the clerical forces "provided such machines are not connected to reperforators \*\*\*." The use of the reperforators to eliminate the necessity of having the telegrapher recopy consists and wheel reports has long existed and Carrier contends that it has been sanctioned by the Organization for such use but we think the correspondence relied on does not sustain that contention and the connection of the teletype to the reperforator is in violation of the rule.

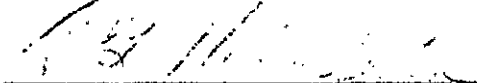
Claim here is made to compensate senior idle extra employes but none of them is shown to have lost any work. The work of transmitting these reports was work of the telegrapher on duty. By the use of the tape, he performed his task of transmitting these reports to other offices without the necessity of recopying thereby saving himself some work but not necessarily depriving any other employe of work unless the added time required in recopying might have necessitated the employment of an additional telegrapher and there is no showing that such would have been the result.

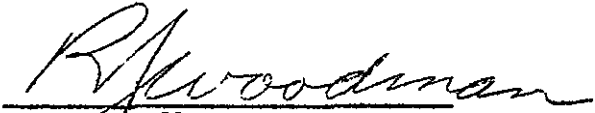
However useless and unnecessary the manual recopying may be when it could be avoided by connecting to the reperforator, it seems to be required by the plain reading of the rule and the connection with the reperforator was in violation of the agreement, but since there is no showing of any loss to any idle extra employe as here claimed but simply a saving of work to the assigned telegrapher, in the absence of further showing as to extra time involved in copying and other work, the monetary claim cannot be sustained.

Award No. 16 (Continued)

AWARD: Claim 1 sustained; claim 2 denied.

  
Mortimer Stone  
Chairman, Neutral Member

  
L. G. Heinlein  
Carrier Member

  
R. J. Woodman  
Organization Member

Dated at Denver, Colorado, August 30, 1957.