

Under the
RAILWAY LABOR ACT
Special Board of Adjustment No. 226

Hearings April 9-30, 1958

Dallas, Texas

Award No. 13



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 30-27-22 in behalf of C. W. Withers, Temple, Texas, for 8 hours' pay at the minimum rate for Telegraphers account Conductor Callahan on Extra 1554 South using the telephone at Temple, Texas on November 14, 1957, at 9:05 a.m. in violation of Rule 1 (a) and 1 (d) to contact the Chief Dispatcher to report that Engine 1554 was not working properly, would need repairs, to send a maintainer from Bellmead to make the repairs or would need another engine.

FINDINGS:

Rule 1 (d) provides that, if "station or other employes at closed offices" are "used in emergency" "....to handle train orders, block or report trains, receive or forward messages by telephone....." The pay for the Agent or Telegrapher "at that office" shall be the minimum rate per day for telegraphers.

The submissions by the ORT and the Carrier both fail to disclose in direct and positive terms that Temple was a "closed office" at 9:05 a.m. on November 14, 1957. A fair inference from their submissions is that it was a "closed office" at that time and date.

The report Conductor Callahan made to the Chief Dispatcher about the failure of Engine 1554, and that it needed repairs at Temple or another engine to handle the train, constituted an emergency report. The train was surely in as great need as if had been "calling" for train order assistance under Rule 1 (e). We find therefore that the communications between Conductor Callahan and the Chief Dispatcher are within the purview of Rule 1 (d).

AWARD:

Claim sustained.

/s/ Daniel C. Rogers
Daniel C. Rogers, Chairman
Fayette, Missouri

/s/ W. I. Christopher
W. I. Christopher, Employee Member
Deputy President, O. R. T.
3860 Lindell Blvd.
St. Louis 8, Missouri

/s/ A. F. Winkel
A. F. Winkel, Carrier Member
Ass't. General Manager
Missouri-Kansas-Texas Lines
Dallas, Texas

Dallas, Texas

August 1, 1958