

Under the
RAILWAY LABOR ACT

Special Board of Adjustment No. 226

Hearings April 9-30, 1958

Dallas, Texas

Award No. 3



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 1 ORT Claim No. 24-27-22 is on behalf of C. E. Painter, Granger, Texas for a "call (three hours' pro rata) for October 4, 1957, on which date carrier failed to utilize claimant, pursuant to Rule 1 (e), who was available, to deliver train orders at Granger which were addressed to Train Extra 208-C.

FINDINGS AND OPINION:

Telegrapher Koy copied the train order in question and placed it in the staff. The head end picked up its order from the staff while Koy was still on duty. The rear end picked up its order from the staff about 30 minutes after Koy had gone off duty. Painter contends he should have been "called" under Rule 1(e) "to deliver" the order to the rear end.

We find that letters dated December 22, 1936 and August 23, 1941, respectively, issued by Mr. F. W. Grace, Vice President and General Manager, direct that "train orders will not be pinned to registers, left in way-bill boxes, etc. to be picked up by train crews" "when the train orders could have been handled by the telegrapher delivering them directly to those addressed." These letters were issued after negotiations between the Carrier and the ORT.

The Carrier disputes that these instructions are still in effect. Inasmuch as we do not have information tending to prove whether the practice ordered by Mr. Grace is still in effect, we find that delivery at the staff when a telegrapher was not on duty violated the above agreement and practice prescribed. This finding, however, is limited to this case and is not intended to be a precedent for future cases of this kind.

AWARD:

Claim sustained as per Findings and Opinion.

/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

Dallas, Texas

August 2, 1958

/s/ A. F. Winkel

A. F. Winkel, Carrier Member
Asst. General Manager
Missouri-Kansas-Texas Lines
Dallas, Texas