

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

Hearings April 9-30, 1958

Dallas, Texas

Award No. 9



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 16 is in behalf of W. C. Tuttle, Agent-Telegrapher Oswego, Kansas for eight (8) hours' pay at the minimum rate for Telegraphers account signal maintainer Bowdre using the telephone at Oswego at 5:45 p.m., Saturday, June 22, 1957 in violation of Rule 1 (a) and 1 (d) to transmit a message from Oswego to Parsons, Kansas which was addressed to ALL CONCERNED at Parsons, Kansas reading:

"I will be unavailable until 8 a.m., Monday, June 24, 1957.
Signed E. G. Bowdre, Signal Maintainer."

FINDINGS:

Rule 1 (d) provides that if "station or other employes at closed offices" are "used in emergency" to transmit or receive "messages" by telephone. "The pay for the Agent or Telegrapher at that office shall be the minimum rate per day for Telegraphers."

Mr. Bowdre sent his tie-up message at 5:45 p.m. when the Oswego office was closed. Evidently, he considered his message too important to file for transmittal by the Agent on his return to duty. We find it was a communication under the Scope Rule at Claimant's station.

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