

406-3

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

AWARD NO. 50
CASE NO. 34
Sub-2282-TE-9640
243-86/2-1 (16-56)

STATEMENT OF CLAIM:

- (1) The Carrier violated the Agreement between the parties, when, on May 7, 1956, it required or permitted employees not covered by the Telegraphers' Agreement at Scranton, Pa. Yard Office, and at the Gouldsboro, Pa. Ice House to transmit and/or receive messages by telephone.
- (2) The Carrier shall, because of such violations, compensate:
 - (a) The senior idle telegrapher, extra in preference, a day's pay of \$16.08 for the Scranton Yard violation, and
 - (b) The next senior idle telegrapher, extra in preference, a day's pay of \$16.176 for the Gouldsboro violation,

proper claimants to be ascertained by a joint check of Carrier's records.

OPINION OF BOARD:

In this case the Organization contends the Agreement was violated because on May 7, 1956 an employee at Scranton Yard Office not covered by the subject agreement transmitted information by telephone to a non-schedule employee at Gouldsboro Ice House. This communication dealt with the icing of cars of Train BH-4 at Gouldsboro and also included a message to be given this train to the effect that four specified cars in said train were without waybills.

In Award 13 of this Board it was held (re claim 11 of that case) that messages dealing with the icing of cars, which are handled by telephone between the same points as here involved, do not comprise communication work over which telegraph service employees hold exclusive jurisdiction. With respect to that portion of the subject communication dealing with missing waybills, we likewise are of the opinion that this is not work exclusively reserved to employees covered by the subject Agreement.

AWARD: Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

Dissenting
W. I. Christopher, Employee Member

/s/ R. A. Carroll
R. A. Carroll, Carrier Member

New York, N. Y.
Nov. 25, 1959