

SPECIAL BOARD OF ADJUSTMENT NO. 266

406-3

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

AWARD NO. 51
CASE NO. 38
Sub-2301 TE-9697
116/2-1(19-56)

STATEMENT OF CLAIM:

- (1) Carrier violated the Agreement between the parties when, effective Monday, May 21, 1956, it nominally abolished the Clerk-Operator's position at Kingston Yard, Kingston, Pa., and required or permitted employees holding no rights under said Agreement to perform the work thereof.
- (2) Carrier shall, because of such violation, pay the senior idle telegrapher, extra in preference, a day's pay at the pro rata rate of the abolished position (\$17.92) for May 21-22-23-24 and 25, 1956, subsequent to which the position was restored. A joint check of Carrier's records to be made to determine the payee."

OPINION OF BOARD:

The record discloses that the handling of communications of the type here involved by employees not covered by the subject Agreement is a practice of long standing on the Carrier's property. The Agreement does not define this work as exclusively reserved to telegraph service employees. Awards 1 and 8 of this Board.

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