

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the New York, New Haven and Hartford Railroad that:

1. Carrier violated the provisions of the prevailing Agreement between the parties when on various and sundry dates between September 18 and October 8, 1958, particularly on September 18, 23, 24, 25, 26, 27, 28, 29, 30 and October 1, 2, 4, 5, 6, 7, and 8, 1958, it required and/or permitted train service employees, not covered by said Agreement, to perform the duties of a Block Operator at Newington, Connecticut; and

2. Carrier shall now be required to compensate the senior idle and available telegrapher on the Hartford seniority district by payment of eight (8) hours at \$2.256 per hour, or \$18.05 per day, for each day of violation as follows:

Saturdays and Sundays, September 27, 28, October 4, 5, 1958	
Mr. G. B. Moran.....	\$72.20
Mondays, September 29, October 6, 1958	
Mr. W. H. McNamara.....	36.10
Tuesdays, September 23, 30, October 7, 1958	
Mr. C. H. French.....	54.15
Wednesdays, September 24, October 1, 8, 1958	
Mr. H. G. DeRosier.....	54.15
Thursdays and Fridays, September 18, 25, 26, October 2, 1958	
Mr. M. F. Kelly.....	72.20
TOTAL CLAIM	\$288.80"

FINDINGS:

Prior to November 3, 1949 a telegrapher position existed at Newington, Conn. On that date the station was closed and the position was abolished.

During the period specified in the claim track construction was in progress north of Newington. About one-half mile south of that point train crews were required to contact the operator in charge of the block at S.S.214, by telephone to obtain permission to cross over to tracks not affected.

The claim is largely predicated upon the fact that, formerly a telegrapher's position was maintained at Newington. Once the station was closed and the position abolished, it became an outlying point just as is any other crossover or sidetrack between

block stations. Here the train crews simply contacted the operator in charge of the block by telephone, just as they would at any other outlying point. The fact that a telegrapher's position may have existed at that point at some time in the past does not alter the character of the service nor govern the right to perform it.

The employes rely on Third Division Award No. 8264 but here there was no employe stationed at the point involved to perform communications service as was the situation therein.

AWARD: Claim denied.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman

RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Gaherin

J. J. GAHERIN, Carrier Member

DATED: March 7, 1961

