

AWARD NO. 30
CASE NO. 30

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT
OF CLAIM:

"The General Committee of The Order of Railroad Telegraphers on the New York, New Haven & Hartford Railroad Company, claim as follows:

The Telegraphers' Agreement has been violated and continues to be violated when, commencing sixty days prior to March 18, 1959 the yardmaster and/or other employees outside the coverage of said agreement are required or permitted to transmit, by means of telephone, the departure time of train LB-2 and transmit messages of record affecting the movements of trains direct to the train dispatcher at Framingham.

For each occasion, commencing sixty days prior to the date of this claim (and continuing until the condition is corrected), that work covered by the Telegraphers' Agreement is performed by employees outside the agreement at Framingham, the second shift operator J. Rousseau, or his successor or other occupant of the position, shall be compensated under the overtime or call rules of the Agreement."

FINDINGS:

It appears that when train LB-2 departs Framingham after the assigned hours of the operators, 2:30 A.M., the operator handles train order and obtains the block for it. LB-2 then departs when ready and is first reported to the dispatcher at Walpole.

Later a Framingham report is phoned to the Chief Dispatcher by the yardmaster at Framingham. It is shown that the yardmaster has made such report for 16 years except on those occasions when he held an operator to do so because of the exigence of his other duties. The employees submitted a statement by an operator that "many times" he had transmitted that report. Such statement simply confirms the carriers evidence, and clearly shows that such communication has never been exclusively assigned to or performed by telegraphers.

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. Duffy

J. J. DUFFY, Carrier Member

DATED: June 13, 1961.