

Case No. 43
Award No. 45
Docket No. TE-9692
ORT Case 2232

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM:

"Claim of the General Committee of the Order of Railroad Telegraphers on the Pennsylvania Railroad that:

The Carrier violated the Scope Rule of the Agreement when, commencing November 19, 1955, it issued orders that the CS-54 report, a communication of record, be assembled by certain designated Agents and relayed by telephone to the Superintendent of Freight Stations at Chicago, Illinois.

Carrier shall compensate an extra telegrapher, or if none available, a regular idle man, named below, one day's pay for each place and each day commencing on November 19, 1955 that an Agent at Polk Street, Chicago, Illinois, Agent at Valparaiso, Indiana, Lima, Ohio, Logansport, Indiana, South Bend, Indiana, Fort Wayne, Indiana, Grand Rapids, Michigan, Marion, Indiana, and Cadillac, Michigan, receives and relays these reports and a similar day's pay because of the reports being received in the Office of Superintendent Freight Stations by an employe not covered by the Scope Rule of the Telegraphers' Agreement.

Claimants named below to be covered beginning with November 19, 1955 and including all subsequent dates beyond the above date April 12, 1956:

Cadillac, Mich.	W. P. Hoffman
Grand Rapids, Mich.	V. M. Hayden
Marion, Ind.	K. Shields
Fort Wayne, Ind.	E. J. Adams
South Bend, Ind.	H. G. Marshall
Logansport, Ind.	W. R. Jones
Lima, Ohio	A. H. Trentman
Valparaiso, Ind.	S. E. Ritenor
Polk St., Chicago, Illinois	R. F. Pointer
Supt. Freight Stations, Chicago	R. A. Paschke."

(Northwestern Region Case No. 10 - System Docket No. 335)

FINDINGS:

What Carrier has done here was to rearrange the responsibility for and channels through which CS-54 Reports are assembled from Freight Agents for transmission by phone to the Superintendent - Freight Stations in Chicago each Tuesday morning, with verifying copy by mail, to be again telephoned directly to Philadelphia each Tuesday morning.

Prior to the rearrangement, Freight Agents on the Chicago Division telephoned their reports to the Freight Agent's Clerk at Polk Street, Chicago, with confirmation by mail. Freight Agents on the Fort Wayne Division telephoned their reports to the Division Office at Fort Wayne where they were consolidated and, in turn, were transmitted to Chicago via teletype by telegraphers. All reports were eventually funneled into the Superintendent of Freight Transportation, Western Region, for telephoning Tuesday morning to Philadelphia.

The change was occasioned by reorganization of Carrier's administrative structure.

AWARD :

Claim denied.

Signed this 10th day of April, 1961.

/s/ E. A. Lynch
E. A. Lynch, Chairman

/s/ C. E. Alexander
C. E. Alexander, Carrier Member

R. J. Woodman, Employee Member

— 115 —

DISSENT

The "Findings" of the majority in TE 9692 do not square with the facts.

The joint statement of agreed upon Facts signed by Carrier's Superintendent of Personnel and the Local Chairman of the Organization dated May 4, 1956 acknowledges without question that the handling of the C.S.-54 reports was work performed by the telegraph operator-clerk at "NY" Telegraph Office, Fort Wayne, Indiana and "GF" Telegraph Office, Chicago, Illinois as witness:

"* * * on Monday of each week the Lead Clerk to the Supervisory Agent would contact or be contacted, by each Freight Agent under his jurisdiction for the purpose of giving the information required for the C.S.-54 report. This information would then be compiled by the clerk who, at the close of the day, took the completed report to an adjacent building where "NY" (telegraph office) is located. The operator-clerk then transmitted the report on the teletype machine to G.F. General Relay Office, Chicago, Illinois, from which point it was then carried by messenger to the office of the Superintendent of Freight Transportation, Western Region."

Not only did carrier by-pass "NY" telegraph office at Fort Wayne and "GF" office Chicago, but "PO" telegraph office, Philadelphia, as well, thus depriving telegraphers of the right to perform communication work. The employees aver this is an erroneous award.

/s/ Russell J. Woodman
RUSSELL J. WOODMAN
Employee Member