

CASE NO. 20
AWARD NO. 11
ORT FILE 2682

SPECIAL BOARD OF ADJUSTMENT NO. 355

PARTIES: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties hereto when on March 20, 21, 22, 23, 25, 26, 27, 28, 29, 30; April 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30; May 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 20; May 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 31; June 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30; July 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, 1957, respectively, it required or permitted members of train or engine crews, employes not covered by the Telegraphers' Agreement, to secure permission at Butler Junction over the telephone from the operator at "WS" Tower to enter the block, Clearance Card Form A.

2. Carrier shall be required to compensate an idle operator (extra in preference) for one day's pay (8 hours) on each date above shown.

FINDINGS:

In December, 1943 Carrier moved its Butler Junction Tower, physically, to a point 2.9 miles east of its former location, and changed its call letters to WS. By agreement with the local Chairman the positions at WS Tower were not advertised. In other words, WS Tower is the same tower with the same personnel -- located 2.9 miles from where it had been located. It continues to serve the same territory.

The claims in this docket arose 14 years later because a train crew or crews used the telephone at the point where this tower had been located -- which Organization says is "at a closed telegraph office" -- to copy form "A" from the operator at the same tower at its new location. It was not a closed telegraph office.

AWARD

Claim denied.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member - Dissenting

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland this 31st day of August, 1961.