

SPECIAL BOARD OF ADJUSTMENT NO. 355

CASE NO. 2
AWARD NO. 2
ORT FILE 2336

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

AWARD IN DOCKET NO. 2

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when, on February 14, 1956, at 9:32 AM; February 15, 1956, at 9:12 AM and 2:55 PM; February 28, 1956, at 12:02 PM; March 23, 1956, at 10:31 AM and 1:06 PM; March 29, 1956, at 9:29 AM; March 30, 1956, at 9:53 AM and 1:05 PM; April 2, 1956, at 8:25 AM, 12:43 PM and 1:13 PM; April 3, 1956, at 8:35 AM and 12:45 PM; April 4, 1956, at 10:22 AM, 12:53 PM, 3:10 PM, 3:55 PM, 3:40 PM, 4:15 PM, and 4:55 PM, it caused permitted and required members of the crews of various work extras in maintenance service, employees not covered by the Telegraphers' Agreement, to receive, copy and deliver Form A, and to report their train clear of the main track at Curtis Yard to the operator at McCool, Indiana, which work was and is reserved solely to employees covered by the Telegraphers' Agreement.

2. Carrier be required to compensate an idle telegrapher (extra in preference) for day for one day (8 hours) on each date hereinbefore listed.

FINDINGS:

This claim involves use of the telephone by the same worktrains on the same dates upon which claims were previously allowed at Gary, Indiana.

Carrier's letter of September 13, 1956 to the General Chairman allowed one day's pay for each date account violation at Gary, Indiana, but refused to allow an additional day's pay to another operator at Curtis Yard because the calls were made by the same conductors of the same trains involved at Gary.

The Carrier's offer was a valid offer of settlement when made and accepted. It is valid now.

AWARD

Claim denied.

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

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

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

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