CAR. FILE: 2723
COM. FILE: A-3513
GR. DIV. BU 9060-33
CASE NO. 276

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 276

STATEMENT OF CLAIM:

1. Carrier violated the Agreement between the parties when it required or permitted an employee not covered by said Agreement to work the position of Agent at Bloomdale, Ohio on October 17, 18, 19 and 20, 1961.

2. Carrier shall compensate an idle Operator in the amount of a day's pay (8 hours) on each of the dates set forth above.

FINDINGS:

We are here concerned with Carrier's agency at Bloomdale, Ohio for three weeks commencing October 2, 1961 while the regular agent was on vacation.

Extra Operator R. J. McCullough was assigned to and filled this vacancy for the first two weeks and the first workday of the third week. Carrier asserts it needed his services at J Tower and assigned him there October 17 through 21, 1961.

It is Organization's position that instead of permitting McCullough to complete his assignment, Carrier sent him elsewhere and assigned one N. J. Wilondek, an employe not covered by the Telegraphers' Agreement, to fill the vacancy. Wilondek is covered by the Clerks' agreement.

Carrier argues that Organization handled this case on its property on the allegation that Extra Operators Baughman and Roberts were available; however, it asserts, they were not available.

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Organization argued that Carrier "had a man (McCullough) under the agreement, willing and able to fill the position. Therefore, they had no problem at Bloomdale. They may have had a problem some place else which could have been solved by some other method."

We believe the Organization has here failed to meet its burden of proving that Carrier's action violated the agreement. Claim will be denied.

A W A R D

Claim denied.

Edward A. Lynch
Chairman

C. R. Pressly
Employee Member

E. E. Plitt
Carrier Member

Dated at Baltimore, Maryland
this 16th day of September, 1964.