

AWARD NO. 45  
CASE NO. 93  
(BU-5791-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 45

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on November 1 and 8, 1958 it required or permitted officials or employees not covered by the Agreement to communicate with the train dispatcher at Gassaway, West Virginia.
2. Carrier shall compensate Operator J. V. Keener, second trick Gassaway, in the amount of a minimum call payment on each date set forth above.

FINDINGS:

We will sustain this claim because one fact distinguishes it from other claims under Article 36 (a-2) previously handled by this Board.

That fact is that the work in question occurred on the second shift at Gassaway on a Saturday, the rest day of the second shift position. It is, for that reason, work which attaches to and is a part of the second shift operator's position. No relief having been furnished on that position on Saturdays, any work required accrues to the regular incumbent of the position.

This record discloses that the Carrier did call Claimant Operator on November 1 and November 8, 1958 "in order to dispatch Train No. 80."

We will, therefore, sustain this claim to the extent permitted under the call rule.

A W A R D

Claim sustained in accordance with the Findings.

/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  
Dissenting

Dated at Baltimore, Maryland,  
this 20th day of February, 1962.