

AWARD NO. 48
CASE NO. 101, 102, 106
(BU-5799, 5800, 5804-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 48

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on February 11, 12 and 13, 1959, it required or permitted employees not covered by the Agreement at Ottawa, Ohio, to transmit reports or messages direct to the train dispatcher.
2. Carrier shall compensate the occupant of the agent-operator position at Ottawa in the amount of one hour at the time and one-half rate and one minimum call payment on February 11; two minimum call payments on February 12; one minimum call payment on February 13.

FINDINGS:

This claim is predicated on Maintenance of Way employees communicating direct with a dispatcher to report on water level readings under circumstances of impending high water conditions. There is evidence that even during the Agent-Operator's tour of duty the Maintenance of Way employees called the dispatcher direct, instead of through the Agent-Operator. These employees were acting to safeguard Carrier's right of way, which is their prime responsibility, from danger due to high water. Their action did not violate the telegraphers' agreement.

A W A R D

Claim denied.

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

/s/ B. N. Kinkad
B. N. Kinkad
Employee Member

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

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