

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 April 3, 4, 5, 12, 17, 18, 19 and May 1, 2, and 3, 1957, and subsequent dates, it caused, required and permitted the operator of a Tie Tamper, an employe not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) track car lineups, Form 1089-D, at West Keyser, West Virginia, and Piedmont, West Virginia, which work was and is reserved solely to employes covered by the Telegraphers' Agreement.
2. Carrier be required to permit a joint check of its records to determine the number of violations occurring subsequent to the foregoing dates.
3. Carrier be required to compensate an idle operator, extra in preference, for pay for one day (8 hours) on each date shown above, and all subsequent dates on which a joint check of records shows agreement to have been violated.

FINDINGS:

This case involves the copying of track car lineups at West Keyser, W. Va., and Piedmont, W. Va.

As to the locations where the alleged violations occurred, we found in our Award in Docket No. 7 that an operator position did exist at Piedmont since the revision to Article 35 became effective on September 24, 1955, and we sustained the claim in that docket.

Because of that award, we will sustain that portion of this claim covering the handling of track car lineups at Piedmont.

A W A R D

Claim sustained as to the violations at Piedmont; claim denied on alleged violations at West Keyser.

Organization's request for a joint check, as made in parts (2) and (3) of the claim, is denied.

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

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member
Dissenting solely on
West Keyser claims.

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

Dated at Baltimore, Md.,
this 22nd day of January, 1962.