

Case 39
Award 84
ORT File 2957

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 84

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on November 18, 1957, and January 29, 1958, it caused, required and permitted Conductors, employees not covered by the Telegraphers' Agreement, to report clear at Leith, Pennsylvania, and to secure permission over the telephone to re-enter the main track at that point by Form A, which work was and is reserved solely to employees covered by the Telegraphers' Agreement.
2. Carrier be required to compensate an idle operator, extra in preference, pay for one day (8 hours) on each date listed above, November 18, 1957, and January 29, 1958, because of said violations.

FINDINGS:

The facts here are not in dispute. They show that at 10:56 a.m., November 18, 1957 a conductor used the phone to report clear at Leight, Pa., and again 26 minutes later to report East of Leith and receive clearance card Form "A" and block. A similar violation occurred January 29, 1958.

It is also evident that this claim is similar to that handled by a Special Board of Adjustment in its award dated January 28, 1959.

We will follow that award, and sustain these claims.

A W A R D

Claims sustained.

/s/ Edward A. Lynch
Edward A. Lynch

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

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

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