

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 87

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties when it assigned officials and employees not covered by the agreement to perform operators' work at North Branch, Maryland, on January 21, 22, 23, 24, 25 and 26, 1957.
2. Carrier shall compensate idle telegraphers in the amount of twelve hours' pay on each of the six dates mentioned above.

FINDINGS:

The "Interpretation to Article 34," upon which the Organization relies heavily, does apply where the contractor requires information by use of the telephone regarding location of trains, etc.,

"for the protection of workmen, and construction equipment, etc."

This record shows that before this particular phase of the work had begun, the concrete pillars had been completed. It further shows - without contradiction from the Organization - that the

"steel was placed by self-propelled motorized cranes operating from the roadways so that there was no interference whatsoever with rail traffic."

The Carrier says it sent its train service employees and an assistant Yardmaster to the scene

"so they could stop trains if an accident occurred" during the erection of the steel.

The protection of the contractor's employees and equipment was the responsibility of the contractor.

All his equipment and workmen were working "on the road or above the elevation of top of the previously constructed piers and so did not interfere with the movement of trains in any way, nor did the movement of trains interfere with their operation."

There thus being no need for the protection of the workmen and construction equipment on the part of the Carrier, there was no need for the Carrier to use telegraphers or telephones.

A W A R D
Claim denied.

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

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

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

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