

Award No. 19

Docket No. 19

SPECIAL BOARD OF ADJUSTMENT NO. 553

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

ROY R. RAY, Referee

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company (Pacific Lines), that:

1. The Carrier violated the parties' Agreement when, on April 1, 1959, it required or permitted a Roundhouse Foreman at Imlay, Nevada, and a clerical employe at Sparks, Nevada, neither of whom are covered by the parties' Agreement, the former to transmit and the latter to receive, a message of record over the telephone.
2. The Carrier shall, because of the violations set forth above, compensate D. D. Bradford, Relief Telegrapher-Clerk-PMO-Towerman, Imlay, and C. W. Walser, 2nd shift Telegrapher-Clerk-PMO, Sparks, both off duty and available for call, one special "Call" each."

OPINION OF BOARD: On April 1, 1959 by telephone the Roundhouse Foreman at Imlay, Nevada gave the Maintenance Foreman at Sparks, Nevada, the following report:

"NATX19519 set out Winnemucca 26th repacked Tex
12/2/57 Nac Co. Miller lube. GN 3274 repacked PL
3/22/57 Miller lubricator, MP 46897 repacked
OMA 3/11/58 No. aprd 27th Colado. ATSF 27088
repacked Mon 1/17/58 Sal Modern 29th Colado.
PA 91647 repacked to 4/15/58 PRR Modern Ocala.
CBA 117588 no record."

The Organization contends that this was a history of the repacking of certain cars which had previously given trouble, and about

which someone had inquired. It says this was a report of record which had customarily been transmitted by telegraphers. The Carrier says that the call embraced the basic data for the hot-box report, which is sent in from Ogden. It claimed that this particular call had been handled this way for years and that this was the first such call ever challenged by the Organization.

It is clear that the message does not relate directly to the movement of trains or the safety of passengers or property. But we believe it is the kind of message which must be considered as a communication of record. The Awards cited by Carrier are not in point here. In Award 12613 (Claim 2) the Crane Operator called the Roadmaster's clerk and told him that two cars of ribbon rail had been unloaded and were ready for movement. This was held not to relate to train movements nor to be a record communication. Awards 12701 and 12118 dealt with work progress reports. The report in this case is neither a progress report or a report on cars ready for movement. The report gave information which apparently would or should have been made of record in order to maintain a history of the repacking for future use.

As to the matter of practice, the General Chairman stated that while he was at Sparks he copied many messages of this type from Lulay and he never knew of the use of the phone by persons outside of the Agreement to transmit messages of this type. There was no showing that Telegraphers were aware of the use of the phone by non-telegraphers for this purpose. We hold that the message was a communication of record and belonged to telegraphers.

FINDING

The Agreement was violated.


AWARD

The claim is sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 553


Roy R. Ray, Chairman


D. A. Bobo, Employee Member


L. W. Sloan, Carrier Member

San Francisco, California

June 28, 1965