

Award No. 34

Docket No. 34

COMMITTEE: I-505-1  
CARRIER: TEL-152-116  
GRAND DIV.: 762.1/53

SPECIAL BOARD OF ADJUSTMENT NO. 553

TRANSPORTATION - COMMUNICATION EMPLOYEES UNION

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

ROY R. RAY, Referee

STATEMENT OF CLAIM:

- "1. Carrier violated, and continues to violate, the provisions of the Telegraphers' Agreement between the parties, particularly Rules 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 19, 20, 21, 40 and 41, or any other Rule of the Agreement having application to the instant case, beginning August 15, 1960 and continuing each date thereafter, when the Carrier required or permitted work belonging exclusively to employees covered by the Scope Rule of the current Telegraphers' Agreement to be removed therefrom and to be performed by employees of another class and craft, such as Supervisors and/or Assistant Supervisors and others assigned in the office of Mr. J. H. Hatcher, General Superintendent of Transportation, located at 65 Market Street, San Francisco, California.
2. As a consequence of the violation being permitted at Mr. Hatcher's office, the Carrier shall be required to comply with the rules governing the employment and compensation of the Telegraph service employees and during the interim from August 15, 1960, until the violation ceases, the Carrier shall compensate an extra or regular assigned employee, as follows:
3. (a) Claim in behalf of Genevieve Parke, extra Telephone Message-Printer Machine Operator, 'HU' General Telegraph Office, Los Angeles, California, or her successor, shall be paid eight (8) hours' compensation at the pro rata rate of pay, each date, August 15, 16, 17, 18 and 19, 1960.
- (b) Claim in behalf of Laura L. O'Day, extra Telephone Message-Printer Machine Operator, 'HU' General Telegraph Office, Los Angeles, California, or her successor, shall be paid eight (8) hours' compensation at the pro rata rate of pay, each date, August 20 and 21, 1960.

4. On each date, in each instance subsequent to August 15, 1960, that the Carrier permits or requires employes of another class and craft at Mr. Hatcher's office, 65 Market Street, San Francisco, California, to fill positions and perform work belonging exclusively to the Telegraph class of employes, the Carrier shall be required to pay the senior, qualified, idle, extra Telegrapher, or if no senior extra Telegrapher is available then the senior, idle, regularly assigned Telegrapher at 'HU' General Telegraph Office, 610 South Main Street, Los Angeles, California, shall be paid a special call, or eight (8) hours at the overtime rate, or the applicable compensation provided for under the prevailing Agreement.

NOTE: Request is made for a joint check of the Carrier's records, in order to determine the evidence of the violations being required or permitted by the Carrier, also in order to determine the proper claimants and the amount of compensation due each claimant."

OPINION OF BOARD: This is another Situation Report case. Here the Union charges the Carrier with violation of the Agreement on August 15, 1960 and subsequent dates by having clerks or other non-telegraphers in the Los Angeles Office telephone the daily situation report to a supervisor in the office of the General Superintendent of Transportation in San Francisco.

Prior to 1942 this report had been transmitted exclusively by telegraphers by telegraph or teletype. In 1960, Carrier discontinued the teletyped report and instructed that it be sent by mail. On September 15, 1960, the Union filed the present claim. Carrier contends that non-telegraphers have been telephoning this information since 1942. The Union denies that telegraphers had any knowledge of this prior to August 1960.

The facts of this case are almost identical with those in Dockets 28 and 31, except that the report was sent from a different office. There is no basis for a different ruling. Therefore, for the reasons expressed in Awards 28 and 31, we hold that the work of transmitting these reports belonged to telegraphers and that Carrier violated the Agreement.

SBA 553  
Awd 34

AWARD

The claim is sustained for one call payment for each of the telegraphers named in the claim. The continuing part of the claim is denied. Carrier is directed to restore the work of transmitting the information in this report to telegraphers.

SPECIAL BOARD OF ADJUSTMENT NO. 553

  
Roy R. Ray, Chairman

  
D. A. Bobo, Employee Member

  
L. W. Sloan, Carrier Member

San Francisco, California

September 2, 1965