

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 33/15
CASE NO. 33
ORT FILE: 2940

AWARD IN DOCKET NO. 33/15

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on December 30, 1957, and January 14, 15, 17, 20, 22, 23 and February 25, 1958, it caused, required and permitted employees not covered by the Telegraphers' Agreement to handle, receive, copy and deliver Track Car Line Ups (Forms 1089-D) at Mile Post 258 plus 30 poles on the Main Line Sub-Division of the Pittsburgh Division, 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 because of said violations.

FINDINGS:

The language of the claim indicates the alleged violations of December 30, 1957 and January 14, 15, 17, 20, 22, 23 and February 25, 1958 all occurred at Mile Post 258 plus 30 poles. Claim for January 15 was subsequently withdrawn.

In the data supporting its claim, Organization reproduces correspondence with Carrier relating to Mile Post 258-10 as well as 258-30. In its oral argument before this Board (February 24, 1961) the Carrier states (TP669):

"In addition, the Committee in the Carrier's case, identified as Case No. 1412, submitted claim for December 30 and 31, 1957, at Stewarton, Pennsylvania. The line-up which was secured by a section foreman on December 31st, 1957, at Mile Post 258 plus 10 poles, was actually copied at the former location of GU Tower. On this basis it is apparent that the track car lineup was secured at the point of GU Tower, and, consequently the claim for that particular date was allowed."

To the extent that an action at Mile Post 258-10 may still be pending in this docket, a track car lineup copied there requires a sustaining award.

As for Mile Post 258-30, the only track facilities west of that point were an 815 ft. stub-end siding at Mile Post 258-42. Mile Post 259 was 877 feet beyond Mile Post 258-42. During 1938 this stub-end siding was reduced from 815 to 549 feet. At the same time, a new trailing point crossover was installed at Mile Post 258-30.

It is admitted there was no tower or operator position at Stewarton.

It would appear, however, that Mile Post 258-30 was precisely at or within the western station limits of GU Tower, and a sustaining award is in order.

Claim for copying track car line-up at Mile Post 259 will be denied because that point is beyond what we have held to be the western station limits of the location of GU Tower.

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A W A R D

Claims for violation at Mile Post 258-30 sustained.

Claim for violation at Mile Post 259 denied.

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

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

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

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

