

SPECIAL BOARD OF ADJUSTMENT NO. 132

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

AWARD IN DOCKET NO. 59

STATEMENT OF CLAIM: 1. Carrier violated the agreement between the parties hereto when on March 15, 17 and 20, 1951, respectively, it caused, required and permitted employees not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) Forms A, and clear trains at Wilsonburg and Wolf Summit, West Virginia, which work was and is solely reserved to employees covered by the Telegraphers' Agreement.

2. Carrier be required to compensate the senior idle telegrapher (extra in preference) for one day's pay (8 hours) on each date shown above.

FINDINGS: The claim here asserted involves asserted violations at Wolf Summit, the same location as was involved in Docket No. 3. No train orders were copied on the dates of claim. Pursuant to statement of record by the Employees the asserted violation because of the copying of track car line-ups is not to be considered as a part of the claim in this docket.

The acts complained of here involve the use of the telephone by crews operating in CTC territory to secure permission from the dispatcher to occupy the main track. In one instance the crew advised the dispatcher when a particular train had passed by. Only one instance of such communication was shown on all of the dates involved.

In view of the established practice on the so-called "Pike" on the Pittsburgh Division where CTC has been installed for many years it appears that the parties have recognized that it is not a violation of the "Scope" rule of the Telegraphers' Agreement in CTC territory for train crews to communicate with the dispatcher for the purpose of obtaining permission to come out on main track and reporting by. So long as the train crews neither block trains nor copy or handle train orders in communicating with the dispatcher we find no violation of the Agreement. None of those functions were performed here. Accordingly, there is no basis for a sustaining award.

A W A R D

Claim (1), (2) Denied.

/s/ Francis J. Robertson

Francis J. Robertson,  
Chairman

/s/ B. N. Kinkead

B. N. Kinkead,  
Employee Member (Dissenting)

/s/ T. S. Woods,

T. S. Woods,  
Carrier Member

Dated at Baltimore, Maryland this 24th day of April, 1957