

SPECIAL BOARD OF ADJUSTMENT NO. 132

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 61

STATEMENT OF CLAIM: 1. Carrier violated the agreement between the parties hereto when, from February 1 to February 8, 1951, inclusive, it caused, permitted and required employees not covered by the Telegraphers' Agreement to report the arrival and departure of passenger trains from Lime Street, Cleveland, Ohio, to the operators at Clark Avenue, Cleveland, Ohio, which work was and is solely reserved to employees covered by the Telegraphers' Agreement.

2. Carrier be required to compensate the senior idle telegraphers (extra in preference) for two day's pay on each of said dates, that is: February 1,2,3,4,5,6,7 and 8, 1951.

FINDINGS:

Because of inability to operate into the Cleveland Union Terminal on the dates of claim due to a work stoppage, the Carrier operated its trains into a team track at Lime Street, some distance west of Clark Avenue, at which point there was a continuously operated telegraph station. In connection with this movement the Superintendent gave the following instructions:

"Effective until further notice trains 17 and 259 will operate into Lime St., Cleveland, instead of C.U.T. Station. Trains 258 and 18 will also leave Cleveland from Lime St. instead of C.U.T. until further notice.

"258 and 18 operate under yard rules from Lime St. to Clark Ave. and secure Form 'A' Clark Ave. and assume regular schedule from Clark Ave.

"Nos. 17 and 259 will get instructions west end Clark Ave. from Yardmaster covering movement NKP Jct. to Lime St."

There was testimony from Carrier witnesses and employee witnesses which was conflicting with respect to whether or not there was any requirement for reporting arrival and departure times at Lime Street. Two of the operators who worked at Clark Avenue testified that the dispatcher requested that information.

Regardless of the conflicting testimony with respect to the relaying of information about train arrivals and departures from Lime Street it is apparent that the trains moved on the tracks between Lime Street and Clark Avenue under yard operating rules. The moves were all under the control of the yardmaster. What was done here is no different than what a yard crew would do in obtaining permission from a telegrapher to use a designated track or report when clear of same. Such use of the telephone under many early Awards of the Third Division, National Railroad Adjustment Board, both with and without referees, has been held not violative of the Telegraphers' Scope Rule.

AWARD

Claims (1) and (2) denied.

S/ Francis J. Robertson

Francis J. Robertson
Chairman

S/ B. N. Kinkead
B. N. Kinkead
Employee Member.

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

Dated at Baltimore, Maryland, this
26th day of April, 1957.