

ECIAL BOARD OF ADJUSTMENT NO.

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

AWARD IN DOCKET NO. 74

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto, when on or about September 23, 1953, it closed the telegraph office at WP Tower, Westport, Maryland, and transferred a part of the work formerly performed by the operators at that point, and reserved solely to employees covered by the Telegraphers' Agreement, to employees not covered by the Telegraphers' Agreement.

2. Carrier be required to restore the three positions at WP Tower; restore to their former positions the operators who were working at WP Tower when it was closed; restore all employees displaced as a result of the closing of WP Tower to their former positions; pay them the difference in the rate of pay between what they would have earned had no displacements taken place by reason of the closing of WP Tower, together with the proper penalties for working off their regularly assigned positions subsequent to on or about September 23, 1953; and that the senior idle telegraphers (extra in preference) necessary to perform the work covered by the Telegraphers' Agreement at WP Tower since its abolishment be paid one day's pay (8 hours) for each and every eight hour period in each and every day since September 23, 1953, that violations of the Telegraphers' Agreement have occurred at WP Tower.

3. Carrier be required to permit a joint check of its records to determine the number of violations occurring subsequent to September 23, 1953.

FINDINGS:

The record in this case does not reveal the performance of any telegraphers' work by train crews. All movements over B&O tracks across the Western Maryland tracks on the B&O Kloman Street Industrial Spur which crosses those tracks are accomplished by trainmen operating signals located at the crossing with switch keys. At Westport (about a city block from Kloman Street) B&O trains cross the Western Maryland tracks under timetable instructions with respect to time elapsing between entering the B&O tracks at Carroll or Clifford and arrival at the Westport crossing. In case of signal failure at Westport they call the B&O operator at Carroll for permission to use the crossing.

It is no violation of the Telegraphers' Agreement for the trainmen to operate the signals in the manner described above. If, on occasion, because of signal failure it becomes necessary to call an operator for permission to use the crossing, that would clearly be permissible under the emergency exceptions in Article 35.

AWARD

Claim 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, Md., this 26th day of April, 1957.