

SPECIAL BOARD OF ADJUSTMENT NO. 132

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

AWARD IN DOCKET NO. 83

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on September 30, 1955, it caused, required and permitted engineer Baxter on Extra 289 East to copy, receive and deliver a train order at Jones Hill, which work was and is reserved solely to employees covered by the Telegraphers' Agreement. Engineer Baxter not being such an employee.

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

FINDINGS:

A train of dead engines traveling east from Potomac Yard destination Baltimore passed Chesapeake Junction, arriving Jones Hill where the engineer copied a train order from the operator at Alexandria Junction, directing certain speed restrictions and further directing the inspection of engines at JD Tower and PA Tower. An operator's position had been in existence at Chesapeake Junction in 1943.

The disposition of this claim is governed by the application of the modified Article 35 effective September 24, 1955.

The engineer of this train was not a member of a switching crew. While the Carrier sought to establish that an emergency existed, the evidence does not warrant finding that there was in fact an emergent situation. With the exercise of a reasonable degree of foresight the orders which the engineer copied could readily have been given to him by the operator at Anacostia Junction. Instead he was permitted to run by Chesapeake Junction a point where an operator had been stationed, and copy the order at Jones Hill. Under the circumstances here present we find a violation of Article 35. This Finding, of course, does not apply to a similar use of the telephone by switching crews operating in and around Jones Hill.

AWARD

Claim (1), (2) sustained.

/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
25th day of April, 1957.