

SPECIAL BOARD OF ADJUSTMENT NO. 186

AWARD NO. 9

Organization's File

R-965  
R-966

Carrier's File

TE-16-56  
TE-17-56

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on The Denver and Rio Grande Western Railroad, that:

"(1) The Carrier violated the agreement between the parties when it required or permitted employees not under the agreement to copy lineups which is work belonging to employees under the Telegraphers Agreement.

"(2) As a result of such violations, Carrier shall be required to pay an amount equivalent to one day's compensation on the days following the names of the employees listed below:

G. E. Wheeler	Extra man idle	March 11, 1956
O. P. Simpson	Regular man idle	
	on rest day	March 11, 1956
C. E. Jordan	Regular man idle	
	on rest day	March 15, 1956
J. K. Brockett	Extra man idle	March 16, 1956
G. L. Newcomb	Regular man idle	
	on rest day	March 16, 1956
H. L. Williams	Extra man idle	March 23, 1956
O. P. Simpson	Regular man idle	
	on rest day	March 25, 1956
H. L. Williams	Extra man idle	February 27, 1956
G. E. Wheeler	Extra man idle	March 4, 1956
S. D. Macosky	Extra man idle	March 19, 1956"

FINDINGS: These claims involve several like situations where a signal maintainer, track patrolman, section foreman or signal supervisor during his tour of duty, received a lineup from the train dispatcher by calling him on the dispatcher's circuit from blind sidings where no telegrapher was or had been employed.

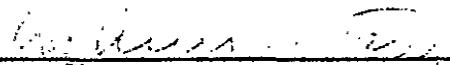
While it would be impossible to harmonize the many awards concerning the communication of lineups, we think that Awards 4772 and 6588 on this

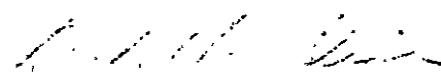
Award No. 9 (Continued)

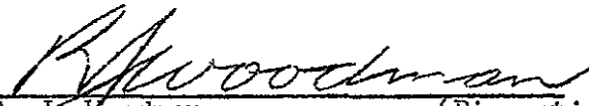
property have established an interpretation of the Agreement here to permit employees of the categories here involved to obtain such lineups at such points.

It is true that the lineups here received were obtained directly from the dispatcher and not from a telegrapher; however, there was no communication on the Dotsero Cutoff where these calls originated except by means of the dispatcher's phone circuit. It was necessary for the employee calling to first contact the dispatcher and it would seem to be immaterial whether the dispatcher then directly furnished the information or, in answer to the inquiry, rang the telegrapher and, with the caller listening in, reported the lineup to the telegrapher so that he could relay it to the motor car operator or other employee calling.

AWARD: Claim denied.

  
Mortimer Stone  
Chairman, Neutral Member

  
L. G. Heinlein  
Carrier Member

  
R. J. Woodman (Dissenting)  
Organization Member

Dated at Denver, Colorado, August 30, 1957.