

Under the  
RAILWAY LABOR ACT  
Special Board of Adjustment No. 226

Hearings April 9-30, 1958

Dallas, Texas

Award No. 8



**PARTIES TO DISPUTE:**

THE ORDER OF RAILROAD TELEGRAPHERS  
MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 10 is in behalf of Frank Hill, at Tulsa, Oklahoma for eight hours at minimum telegrapher's rate of pay under Rules 1(a) and 1(d) account it being alleged Special Agent used telephone at Tulsa, at 11:27 p.m., May 31, 1957 to ask Dispatcher Burnett at Parsons when Frisco extra on detour would reach Tulsa. Frank Hill has terminated his contract of employment by resignation.

FINDINGS:

Rule 1(d) applies to use of communications facilities by "Station or other employes at closed offices or non-telegraph offices." It specifies that they "shall not be required to handle train orders, block or report trains, receive or forward messages, by telegraph, telephone or mechanical telegraph machines, but if they are used in emergency to perform any of the above service, the pay for the Agent or Telegrapher at that office" shall be the penalty of the Carrier for using such employe or employes.

The provision "but if they are used in emergency" does not apply to the inquiry by the special agent. He was not "used in emergency". For his own convenience he wanted to know when the detouring Northbound Frisco extra would arrive in Tulsa. This was a permissible use of a new facility, the telephone. The conversation was not under the Scope Rule. It did not violate Rule 1 (d).

AWARD:

Claim denied.

/s/ Daniel C. Rogers  
Daniel C. Rogers, Chairman  
Fayette, Missouri

/s/ W. I. Christopher  
W. I. Christopher, Employee Member  
Deputy President, O. R. T.  
3860 Lindell Blvd.  
St. Louis 8, Missouri

/s/ A. F. Winkel  
A. F. Winkel, Carrier Member  
Ass't. General Manager  
Missouri-Kansas-Texas Lines  
Dallas, Texas

Dallas, Texas

August 1, 1958