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AWARD NO. 10
CASE NO. 10

SPECIAL BOARD OF ADJUSTMENT NO. 266
THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM:

1. The Carrier is in violation of the agreement between the parties signatory thereto when, at Berwick, Pennsylvania, on April 2, 1953 and at Paterson Jct. Tower, on April 25, 1954, it required or permitted employees holding no rights under the Telegraphers' Agreement to perform work belonging to employees under said agreement; and
2. The Carrier shall, in consequence of such violations, be required to pay H. Dalto a call (2 hours at the time and one-half rate), for Thursday, April 2, 1953, and E. W. Runn a Sunday rest day call (3 hours at the time and one-half rate), for Sunday, April 25, 1954.

OPINION OF BOARD:

Although there is some conflict in the evidence regarding the action complained of in the first part of this claim (concerning Berwick), we find the facts to be as follows: At about 1:30 p.m. on April 2, 1953 a Clerk on duty at Berwick Station was instructed to open and close the Dispatcher's telephone circuit, this being done at the request of telephone department employees who were endeavoring to locate the source of noise or trouble on said circuit. The Clerk acted as instructed. The claim is that the telegraph service employee assigned at Berwick, who was off duty at the time, was entitled to perform this work.

Under the facts as outlined above, we find that the action complained of at Berwick was testing of telephone circuits which the Claimant was entitled to perform under the subject Agreement. This part of the claim must be sustained.

The action complained of in the other part of this claim involves the conduct of a Telephone Lineman (a non-schedule employee) in making a patch on the

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Dispatcher's telephone circuit at the Paterson Junction office, the patch being made from Line No. 506 west to Block Line No. 730 east. This action was taken to restore communication, and after the Lineman had spent some time in locating the source of the trouble which had caused the Boonton Branch Dispatcher's line to cease to function.

It is apparent that the Lineman made the patch in connection with the maintenance work which he is employed to perform. This is not work exclusively reserved to telegraph service employees. Thus the Claimant Towerman assigned to Paterson Junction was not entitled to a call to perform this work.

A W A R D:

Claim sustained in part and denied in part as indicated above.

s/ LLOYD H. BAILER
Lloyd H. Bailer, Neutral Member

s/ W. I. CHRISTOPHER
W. I. Christopher, Employee Member

s/ F. DIEGTEL
F. Diegtel, Carrier Member

New York, New York
July 8, 1959