

AWARD NO. 77
CASE NO. 77
Sub 2528- TE-10639
243/1-216-1
(76-57)

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad, that:

- (1) The Carrier violated and continues to violate the Agreement between the parties when it deprives covered employes at Portland, Pennsylvania, a station on the Morris and Essex Seniority District, of handling (receive, copy and deliver) train orders for trains operating Portland, Pennsylvania to Netcong, New Jersey.
- (2) The Carrier shall, commencing February 6, 1957, and continuing thereafter so long as the violation set forth above exists, pay to the senior idle telegrapher, extra in preference, on the Morris and Essex Division Seniority District, a day's pay (\$16.40), with a check of Carrier's record to be made to determine Payee and amount.

OPINION OF BOARD:

Freight train East BH-12 operates from Scranton to Port Morris daily, running over single track between Portland and Netcong. The Organization contends that train orders governing the movement of this train from Portland to Netcong should be issued through an operator at Portland, whereas the orders for this movement are handled through an operator at Stroudsburg Tower. The latter location is along the route of this train and is in the Scranton seniority district, whereas Portland is in another seniority district. The Organization states that the train orders in question historically were issued through an operator at Portland and that the use of an operator at Stroudsburg Tower for this purpose represents improper transfer of work from one seniority district to another. The Carrier responds that it had been the practice for many years to issue train orders governing the subject movement through Slateford Junction Tower, which is in the Scranton district, and that since the closing of this facility in January 1951 these orders have been issued through Stroudsburg. The Carrier denies that any violation has occurred.

The conflict between the parties with respect to the past practice in issuing the subject train orders is not material to the determination in this case. Freight train East BH-12 is engaged in single run from Scranton via both Stroudsburg and Portland enroute to Port Morris, operating through more than one seniority district. There is no contract requirement that the subject train orders must be

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issued at Portland. They may be issued through an operator at any point along the route followed by this train. (Award 4)

The subject claim refers to "trains" operating from Portland to Netcong, but East BH-12 is the only regular train cited by the parties in connection with this case. One or more extra rauns have been cited by the Organization. Our holding in this case disposes of the entire question raised by the present claim, however.

AWARD:

Claim denied.

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

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

s/ R. A. CARROLL
R. A. Carroll, Carrier Member

New York, N. Y.
December 3, 1959.

