



AWARD NO. 45
DOCKET NO. 45
CASE NO. 2785

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when on February 24, 1958 it required or permitted an employe in the Service Bureau, St. Louis, to transmit a communication of record to a yard clerk in the Yard Office at Hoisington, Kansas.
2. Carrier shall compensate Mrs. M. D. Ringling, an extra unassigned telegrapher, St. Louis, available (not working) eight hours at the pro rata rate for telegraphers in the 'GM' Office, St. Louis (\$2.43 per hour).
3. Carrier shall compensate Mrs. L. Y. Winans, regularly assigned night chief operator, Hoisington, who was available (not working) on her assigned rest day, eight hours at the pro rata rate of \$2.415 per hour."

OPINION OF BOARD:

It is contended by the Organization that on February 24, 1958, an employe in the Service Bureau, St. Louis, transmitted a communication by telephone to a yard clerk at Hoisington, Kansas. The message, as shown by the record here, contained the following:

"No. 62 date NKP 24690 add via Winfield under file 56320."

This message was transmitted at 8:35 P.M. The Organization takes the position that such message constitutes a message of record and comes within the work as belonging to telegraphers exclusively. Neither the Service Bureau employe in St. Louis nor the yard clerk receiving the message is covered under the Telegraphers' Agreement.

As a result of such message being transmitted, the Organization made claim on behalf of the named employes who it is alleged should be compensated for one day's pay at the pro rata rate.

The Carrier strongly urged upon the Board that the message quoted above, which was telephoned by a clerk in the Service Bureau to a yard clerk at Hoisington, is not a diversion order and neither is it a message of record because no record was made of it and there was no requirement that it be made of record. The Carrier, during the hearing, exhibited to the Board a message filed by the Service Bureau

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with the Relay Office at St. Louis at 10:10 P.M., February 24, 1958, which was transmitted by a telegrapher and received at Hoisington by a telegrapher at 12:35 A.M., February 25, 1958, which it contends was the diversion order involved and did constitute a message of record at that time.

The Board, after reviewing the record before us here, is of the opinion that the message quoted above contains information to the effect to not only hold the car but to add the words "add via Winfield," which we hold gives additional information as to routing of the car. In view of the Opinion and Findings in Award No. 14, Special Board of Adjustment No. 117, on this property, we conclude that Carrier did violate the Agreement as contended.

As to allowance of compensation to the named claimants, such claims are not supported by the record here. There were telegraphers on duty at both St. Louis and Hoisington at the time the telephone message was transmitted. There is no showing the named claimants would be the proper claimants, nor is there any showing that any telegrapher suffered a loss of compensation in any respect.

FINDINGS: Carrier violated the Agreement.

AWARD

Claim sustained to the extent as set forth in the Opinion.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

/s/ R. K. Anthis
R. K. Anthis - Organization Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
June 10, 1960

File 380-1853