

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT

OF CLAIM: "1. Carrier violated the prevailing agreement between the parties when on July 20, 21 and 22, 1959, employees outside the coverage of the agreement performed service covered by the terms of the agreement at Northup Avenue in obtaining and releasing the block to operators at Signal Station 151, Providence, R. I.

2. The senior available employee, extra in preference, entitled under the terms of the agreement to the service shall be paid the equivalent of one day's pay (8 hours) for each and every day such violation existed. Extra employees entitled thereto are: Messrs. D. J. Houston, and R. Machado. In the event these employees are found to have been unavailable, such extra employee or regularly assigned employee, on rest, as found available, shall be so compensated."

FINDINGS: This case involves movements within yard limits under the jurisdiction of the yardmaster. During the period of the claim, two tracks normally used for westbound movements were out of service. Before westbound movements were made on normally opposing tracks, the yardmaster, or a switchtender acting on his instructions, would contact the operator at SS 151 to ascertain whether the track was clear and to arrange protection for the movement.

The factual situation is similar to that involved in Award No. 5023 of the Third Division and so it governs decision here.

The employees rely upon Award No. 6967 but that case involved "orders" for movement of trains issued by operator, so the factual situation is dissimilar and it is not applicable.

AWARD: Claim denied.

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/s/ Dudley E. Whiting
DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman
RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Duffy
J. J. DUFFY, Carrier Member

DATED: June 13, 1961