



CASE NO. 7
ORT FILE: 2358

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS
VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT OF
CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on The New York, New Haven & Hartford Railroad Company, that:

1. The Carrier, commencing December 1, 1956, violated and continues to violate the provisions of the Agreement between the parties when it required or permitted, and continues to require or permit employees not coming within the scope of said Agreement to block trains and perform communications service of record at North Falmouth, (Williams) Massachusetts.

2. The senior, idle, available employee, extra in preference, covered by the Agreement on the seniority district who could have been used to perform such work at North Falmouth (Williams) since December 1, 1956, during the hours of the day or night such work was performed by employees not under said Agreement, shall be compensated the equivalent of one day's pay (8 hours) at the appropriate rate of pay."

FINDINGS:

At North Falmouth a private track serving Camp Edwards connects with the Carriers single track main line between Buzzards Bay and Woods Hole. The wage schedule includes a summer job of agent-operator at North Falmouth.

This claim involves days in December, 1956, when the conductor of a freight train serving Camp Edwards reported by telephone to the operator in charge of the block at Buzzards Bay that he was clear of the main line on the private track or that he was ready to re-enter the main line. That is precisely the same procedure required of a conductor when entering and leaving a side track or industry track at any point where no operator is employed. That situation is not altered because an operator is employed there at other seasons to accomplish additional work attributable to the resort area traffic.

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. Gaherin

J. J. GAHERIN, Carrier Member

DATED: October 7, 1960