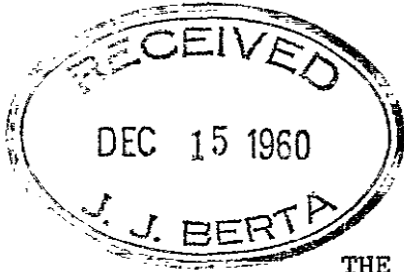


CASE NO. 9
(ORT-2119)



SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE NEW YORK, NEW HAVEN AND 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, that:

1. The Carrier violated the provisions of the Telegraphers' Agreement when and because it failed to assign W. Walker, Jr., senior available extra employe to temporary vacancy at Scituate, Massachusetts, on March 12, 1956, at which time W. L. Enos, regularly assigned agent, Scituate, was relieved for ten days.
2. In consequence of this violation, W. Walker, Jr. shall now be compensated at the hourly rate of the position of agent, Scituate, Massachusetts, because of earnings lost as a result of the violative act of the Carrier."

FINDINGS:

Article 13 requires the Carrier to call extra employees according to their seniority standing if available. Here the Carrier alleges nonavailability. It appears that Walker was called for the first trick at Buzzards Bay on March 5th, but declined and reported spare for the day. He promised to call clerk Bean about availability for the second trick at Buzzards Bay on the 6th. When he did not do so, clerk Bean called his home and was advised by Mrs. Walker that he was in New York. When nothing further was heard it was assumed that he was still in New York and he was marked off-personal. He was not again called until March 23rd when he agreed to cover Harrison Square on the 26th.

Such a showing simply means that non-availability for a vacancy on March 12th was based on assumption not information. It does not relieve the Carrier of its responsibility to call in seniority order under Article 13. The Carrier is responsible for calling the employee not vice versa.

AWARD: Claim sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 306

/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