

SPECIAL BOARD OF ADJUSTMENT NO. 355

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 254

STATEMENT
OF CLAIM:

1. Carrier violates the Agreement between the parties when it requires or permits employees outside the Agreement to use the telephone to transmit and/or receive messages between points on the Akron Division.
2. Carrier shall compensate an idle operator in the amount of a day's pay (eight hours) on each day such violations occur beginning on March 6, 1961.

FINDINGS:

This Docket embraces sixteen alleged rules violations beginning March 6, 1961. We shall treat with them in the order in which they were presented to this Board.

March 23, 1961.

This message gives the numbers of two cars, with instructions they be delivered to Copperweld Steel Company, showing Luria Brothers, of Cleveland as the shipper, with all charges to be made to Luria. It involved two cars, and the information would have to be recorded. A sustaining Award is required. See Award in Docket No. 229.

April 20 and March 20, 1961.

These messages gave the total number of box, gondola and hopper cars that had been reconditioned. We have reviewed our Awards in Dockets Nos. 155/3, 156/1 and 214, relied on by the Organization. Those Awards do not support these claims. We believe these to be the type of messages that could have been delivered by messenger or mail. They were routine in nature. These claims will be denied.

March 6, 17 and 22, 1961

We have grouped these dates because the messages involved are in the same general category--that of the overtime report. It is not the same as we had in Award 214. The overtime data are telephoned daily. Carrier asserts, without contradiction, that it is part of a total report that is eventually handled by Operators at WD office at Lorain to K Relay Office at Akron. We find no violation, and claims for these dates will be denied.

SBA 355

Docket No. 254

- 2 -

April 17, 18(2), 20, 21, 26: May 19: June 1(2), 2, 5(2), 14, 1961.

The messages involved on April 17 and 18 are yard reports and, under Award No. 143, will be sustained. The message of April 20, 1961, labeled by the Organization as a "crew report" was just that; but the information was too general in nature to be considered a "message of record," and this claim (April 20) will be denied.

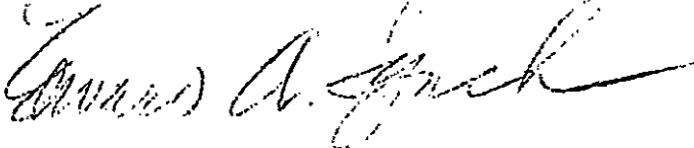
The messages of April 21, 26 and May 19 are yard reports, and claims therefor will be sustained.

There are several messages subjected to claim for June 1, 1961. The first two, at 9:50 A.M., and 9:48 A.M., involve, respectively, overtime, reconditioned cars; and overtime calls are not violations and will be denied. That for June 2, 1961 relates directly to the movement of cars and will be sustained.

On June 5 we have a detailed yard report, which claim will be sustained. Claim for June 14 will be denied because it relates to reconditioned cars.

A W A R D

Claims disposed of in accordance with Findings.



Edward A. Lynch
Chairman



C. R. Pressly
Employee Member

*Associating and
Denial Dates.*



E. E. Platt
Carrier Member

Dated at Baltimore, Maryland
this 16th day of September, 1964.