

SPECIAL BOARD OF ADJUSTMENT NO. 355

CAR. FILE: 2789  
COM. FILE: A-3579  
GR. DIV. BU-9011-33  
CASE NO. 274

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 274

STATEMENT  
OF CLAIM:

1. Carrier violates and continues to violate the Agreement when it requires a person not covered by said Agreement to perform work of the agent-operator at Bowling Green, Ohio at a time when the agent-operator is off duty.
2. Carrier shall compensate R. M. Vannoy, agent-operator at Bowling Green, in the amount of a minimum call payment on each date this violation occurs beginning with December 18, 1961.

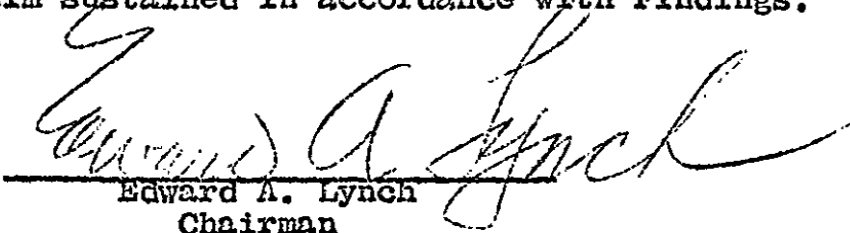
FINDINGS:


We think that a portion of the work at Bowling Green which Carrier contracted out cannot be held to be work exclusive to the Telegrapher class. However, the flagging of trains for passengers is part of the duties of the agent-operator at this one-man station.


Carrier's reliance on our Award in Docket No. 99 is of no help. There was no evidence there of any flagging having been required. The evidence here is the contract between the Carrier and the contractor. Accordingly a sustaining award is required on a call basis.

A W A R D

Claim sustained in accordance with Findings.

  
Edward A. Lynch  
Chairman

  
C. R. Pressly  
Employee Member

  
E. E. Plitt  
Carrier Member

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