

SPECIAL BOARD OF ADJUSTMENT NO. 355

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 279

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when, on February 22, 1962 it required or permitted others outside the Agreement to perform operator's work at XN Tower, Ohio.
2. The Carrier shall compensate R. E. Brown in the amount of 8 hours pay at the time and one-half rate.

FINDINGS:

Organization's claim is predicated on an alleged violation of "Article 23, Paragraph A, part no. 1".

Such section begins with the words "Time worked..." It is abundantly clear that claimant did not have any "time worked" on the holiday in question.

Our decision must turn on the Organization's allegation that the Carrier permitted several trains on the holiday to report clear, obtain permission, to report clear and to cross over--all of which is work "normally handled by the operator at XN tower when on duty." It is claimed he should have been called to do this work.

Carrier argues train and yard engines have always been permitted to report clear or get permission to use main track at ED tower from either operator; and that "special instructions of time table permit trains going in at ED tower to get permission from either XN or AY." This is not denied by the Organization.

The trains here involved were switching crews primarily engaged in revenue service, and Article 35 specifically sanctions such use of the phone to communicate with the "nearest operator on duty."

Carrier having elected to blank XN tower on the holiday, these switching crews were making calls in a permissible manner, and their action does not constitute the performance "of operator's work at XN tower," as Organization alleges.


A W A R D

Claim denied.


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Edward A. Lynch
Chairman



C. B. Pressly
Employee Member



E. E. Plitt
Carrier Member

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