

CAR. FILE: 2900  
COM. FILE: A-3690  
GR. DIV. BU-9085-33  
CASE NO. 283

SPECIAL BOARD OF ADJUSTMENT NO. 355

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 283

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on April 3, 1962, it required or permitted an employee not covered by the Agreement to transmit a message at Clarksburg, West Virginia.
2. Carrier shall compensate Operator P. K. Cross in the amount of a day's pay (8 hours) on April 3, 1962.

FINDINGS:

While it is consistently argued by the Organization that the work of every employe on a railroad is related to the movement of cars because the main reason for operating a railroad is to move people and merchandise by rail, we can only accept such a thesis as an academic argument. Claims of rules violations must still be evaluated on the basis of the facts in each particular case.

The claim before us in this Docket is a case in point. Carrier's police department is charged with the protection of its property, equipment and structures. Because of the nature of their work we can find no basis in the rules agreement for any restriction on their use of the telephone or radio in the discharge of their duties so long as they do not block trains, issue train orders or transmit messages relating directly to the movement of trains.

A W A R D

Claim denied.

*Edward A. Lynch*  
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Edward A. Lynch  
Chairman

*C. R. Pressly*  
\_\_\_\_\_  
C. R. Pressly  
Employee Member

*E. E. Pitt*  
\_\_\_\_\_  
E. E. Pitt  
Carrier Member

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