

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 58
CASE NO. 11
(ORT File 2501)

AWARD IN DOCKET NO. 58

STATEMENT
OF CLAIM:

1. Carrier violated the agreement when on the dates of October 10, 11 (two tricks), 12, 13, 18, and 20, 1956, and all subsequent dates, it required or permitted various employees located at Rossford (Toledo) not covered by the Telegraphers' Agreement to contact the dispatcher located at Deshler, Ohio to secure information on trains and transmit matters of record.
2. Carrier shall pay the senior idle operator for eight hours' pay for October 10, 11 (two tricks), 12, 13, 18, and 20, 1956 and all subsequent dates that the violations described in paragraph 1 occurred.

FINDINGS:

We have already held that telephone calls to a dispatcher to inquire the estimated arrival of approaching trains or the time at which trains did arrive are not violative of Article 36 (a-2), and are, therefore, permissible conversations. To the extent Organization asserts claim here for that type of conversation, such claims will be denied.

We do find, however, that the supplying of calls on outbound trains does constitute a violation because this clearly is a "message" within our concept of that term.

However, we find this Carrier has already settled those claims, appearing in this docket, for October 10, 12, 13 and the second claim for October 11.

The remaining claims -- the first claim for October 11, and the claims for October 18 and 20 -- involve inquiries as to arrival times or existence of trains and are permissible conversations. These claims will be denied.

Organization's claim for subsequent dates is denied for the reasons set forth in our Award in Docket No. 52.

A W A R D

Claims disposed of in accordance with findings.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ B. N. Kinkead - Dissenting as
B. N. Kinkead to subsequent
 dates.

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 20th day of February, 1962.