

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

Award No. 71
Case No. 113
BU 5811-33

AWARD IN DOCKET NO. 71

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on July 24, 1959, it required or permitted an employee not covered by the Agreement to transmit a message at Frederick Junction, Maryland.
2. Carrier shall compensate an idle operator in the amount of a day's pay (eight hours) on July 24, 1959.

FINDINGS:

The conversation which forms the basis of this claim was a telephone conversation (at a time the operator at Frederick Junction was on duty) between a signal maintainer and his supervisor during which the signal maintainer gave the supervisor the report he ordinarily mails to him each day.

When SBA 132 denied the claim in its Docket No. 63, it stated:

" . . . nor are we persuaded that the telephoning of the yard reports was exclusively telegraphers' work under the circumstances here presented, for the telephone could well be in lieu of mailing or personal delivery."

So say we.

A W A R D

Claim denied.

/s/ Edward A. Lynch
Edward A. Lynch

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member

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

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