

Award No. 8
Case No. 8
ORT File 2947

SPECIAL BOARD OF ADJUSTMENT NO. 525

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DENVER & RIO GRANDE WESTERN RAILROAD

STATEMENT OF CLAIM:

1. The Carrier violated the parties' Agreement when it used Telephone and Telegraph Maintainers Martin Despain and W. Lozier, a Western Union Line Gang, Signal Maintainers and gang for a total of 338½ hours to perform the work in connection with the reconstruction of a pole line in the vicinity of Sixth South Street, Salt Lake City, Utah, as hereinafter set forth:

| | | |
|-------------------------------|---------------------|-----------------|
| T&T Maintainer Martin Despain | 8 hours December 3 | |
| | 8 hours December 4 | |
| | 2½ hours December 5 | |
| | 7 hours December 8 | |
| | 3 hours December 9 | |
| | <u>28½</u> | 28½ total hours |

| | | |
|------------------------------|--------------------|----------------|
| T&T Maintainer Walter Lozier | 8 hours December 3 | |
| | 8 hours December 4 | |
| | 7 hours December 8 | |
| | 3 hours December 9 | |
| | <u>26</u> | 26 total hours |

| | | |
|--|----|-------------|
| One Western Union Foreman and four (4) each on December 2, 1958 | 20 | total hours |
|--|----|-------------|

| | | |
|---|------|-------------|
| One Signal Foreman and two (2) men December 2 through December 8, seventy-two hours (72) each. | .216 | total hours |
|---|------|-------------|

| | | |
|---|-------------|----------------------|
| Two Signal Maintainers 24 hours each December 2 through December 9 | .48 | total hours |
| | <u>338½</u> | Grand Total Hours |

2. The Carrier shall, because of the violation set out above, compensate the following employees at their respective straight time rates an equal proportionate share of the total man-hours consumed by the outside employees in performing the work described in Part 1 of this claim:

N. S. Diegesauldo (oldest idle gang foreman)
N. H. Phillips, First Class Lineman

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D. R. Elder, First Class Lineman
 R. D. Phillips, Second Class Lineman
 C. G. Johnson, Second Class Lineman
 C. R. Hicks, Groundman

3. The Carrier shall also pay T&T Maintainer Despain 28½ pro rata hours and T&T Maintainer Lozier 26 pro rata hours at the applicable rate of a Class 2 employee for the reconstruction work performed in connection with the change over of the pole line.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds that:

The Carrier and the Employee and Employees involved in all of the disputes involved in this docket of cases are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934, and as since amended.

This Board has jurisdiction over the disputes involved herein. The parties to said disputes were given due notice of hearing thereon.

SPECIFIC FINDINGS:

Work performed by Western Union employees in dropping poles into holes was work done for their employer in making delivery of the telegraph poles purchased by the Carrier and was not work to which Claimants were entitled to.

Signalmen properly dug holes and replaced poles and signal wires and fixtures upon line originally installed by them. Claimants have established no exclusive right to this phase of the work.

Rule 2, Classifications, contained in the Agreement relating to Telephone and Telegraph Maintenance and Construction reflect the basic work of the Telephone and Telegraph Maintainers as "an employee qualified and assigned to installing, maintaining and repairing equipment generally used in railroad communications." While the Gang Foreman's basic work is described as "an employee qualified to supervise other employees assigned to construction, reconstruction and repair of pole lines, wire circuits and other associated work." The First and Second Class Linemen are similarly described. The Groundman is "an employee qualified to assist linemen in their duties such as digging holes, fitting up crossarms, erecting poles and including all work which can be performed on the ground * * *."

It is self-evident that the work performed by the Telephone and Telegraph Maintainers was upon poles and crossarms supporting communication wires, reconstruction work and not work upon equipment within the meaning of the above classification description. The Carrier should have used Claimants rather than Maintainers to do the communication portion of this reconstruction work.

AWARD

Claims denied as to work performed by Western Union employees and Signalmen. Claim sustained to the extent work was performed during period sixty days prior to

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February 5, 1959, by Telephone and Telegraph Maintainers as reflected by joint check of time records of work done by him or them during said period.

(Signed) J. Glenn Donaldson
J. Glenn Donaldson, Neutral Member
Chairman

(Signed) R. K. Anthis
R. K. Anthis, Organization Member

(Signed) J. W. Lovett
J. W. Lovett, Carrier Member

Denver, Colorado
26 November 1963