

Award No. 15

Docket No. 115

SPECIAL BOARD OF ADJUSTMENT NO. 553

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

ROY R. RAY, Referee

STATEMENT OF CLAIM:

" Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific (Pacific Lines), that:

1. The Carrier violated the terms of an Agreement between the parties hereto when on March 2, 18, 19 and April 16, 1959, it permitted or required employees not covered by the Telegraphers' Agreement at Hayden Junction, Rillito, Tucson, Casa Grande and Phoenix, Arizona, to transmit and/or receive messages over the telephone.
2. The Carrier shall, because of the violations set forth in Item 1 of this Statement of Claim, compensate the following claimants as hereinafter set forth:
  - (a) J. R. Knoll, Extra Telegrapher-Clerk-PMO, Phoenix Yard, Phoenix, Arizona, for forty-five (45) minutes at the overtime rate for March 2, 1959.
  - (b) D. D. DeHart, 1st Telegrapher-Clerk, Mesa, Arizona, for eight (8) hours at the overtime rate for March 2, 1959.
  - (c) G. Townley, 2nd Telegrapher-Clerk-PMO, 'UN' Telegraph Office, Tucson, Arizona, for one special call March 18, 1959.
  - (d) R. Reed, 3rd Telegrapher-Clerk, Casa Grande, Arizona, for one special call March 19, 1959.
  - (e) S. W. Cox, Extra 2nd Telegrapher-Clerk, Casa Grande, Arizona, for one special call April 16, 1959.
  - (f) J. F. Wells, 2nd Telegrapher-Clerk-PMO, Phoenix, Arizona, for one special call April 16, 1959."

OPINION OF BOARD:

Four different telephone conversations are involved in this claim. The Organization contends that in each instance they related to the movement of trains and that the Agreement was violated when persons other than telegraphers transmitted or received them. The Carrier says that all of the communications were merely exchanges of information by employees in connection with their regular assigned duties and that it is common practice for such employees to transmit these types of information. Since the fact situations are different each of the calls will be treated as a separate sub-claim.

Sub-Claim 1: An employe at Hayden Junction called the crew dispatcher at Phoenix and said he wished to displace the conductor on Crew 323 on the next day. This related to a personnel assignment, seniority and displacement. It did not relate to the movement of trains and was not a communication of record. The Organization has made no showing of an exclusive practice for telegraphers to transmit this kind of message. Denial Award 12620 covers this type of situation. See Award 14, Claim 1 (Sub-Claim 12-13) and Claim 4 of this Board. The claim is denied.

Sub-Claim 2 and 3: The Agent at Rillito called a clerk at Tucson and reported that a mail sack thrown from a train had damaged a mail crane, and asked that it be repaired. He was told that such repair would be made as soon as possible. This did not affect the movement of trains and cannot be regarded as a message of record. This is somewhat similar to Denial Award 12616 where a signal maintainer reported that a train had knocked a pole down. The claim is without merit.

Sub-Claim 4: A scale tester at Casa Grande called the Trainmaster at Tucson and stated that he was not testing the warehouse scales there because they were not correctly installed. He asked that an order be put on it. This had nothing to do with train movements and was not a message of record. The claim is denied.

Sub-Claim 5 and 6: The signal maintainer at Casa Grande called the Assistant Signal Supervisor in Phoenix and told him that the westbound freight had stopped at the West end of Maricopa that day because the signal was at the stop position. He was told to check the circuit for a broken bond wire and get the signal maintainer at Estrella to help him. This was a report on why a train had stopped. It did not relate immediately or directly to movements of trains and was not a communication of record. Award 12609 is in point here. There the Signal Supervisor at Tucson advised the signal maintainer at Wellton that a light was out in the Wellton signal and to repair it. The Board held the message did not concern train movements. Another Denial Award is 12703. The present claim is rejected.

#### FINDINGS

There was no violation of the Agreement.

#### AWARD

Sub-Claims 1; 2-3; 4 and 5-6 are all denied.

SPECIAL BOARD OF ADJUSTMENT NO. 553.

  
Roy R. Ray, Chairman

  
D. A. Bobo, Employee Member

  
L. W. Sloan, Carrier Member

San Francisco, California  
June 28, 1965