

Award No. 25

Docket No. 25

CARRIER: TEL-152-1062

COMMITTEE: J-465-1

GRAND DIV.: 762.1/53

SPECIAL BOARD OF ADJUSTMENT NO. 553

TRANSPORTATION - COMMUNICATION EMPLOYEES UNION

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

ROY R. RAY, Referee

STATEMENT OF CLAIM:

"Claim is presented on appeal from decision of Superintendent, Tucson Division, as follows:

- "1. Carrier violated Rules 1, 2, 3, 14, 16 and 17, Telegraphers' Agreement, on August 6, 1959 and on each date and in each instance subsequent to August 6, 1959 when it required or permitted employes not covered by the Telegraphers' Agreement and who hold no rights under this Agreement, to report trains (OS), transmit and receive line up of work to be performed and receive line-ups of trains direct with the trick dispatcher.
- "2. The Carrier shall compensate the following employes:
 - (a) Claim in behalf of C. A. Adams, Agent-telegrapher, Bowie, Arizona, for one special call, August 6, 1959.
 - (b) Claim in behalf of R. E. O'Connor, Agent-telegrapher, Willcox, Arizona, for one special call, August 6, 1959.
 - (c) Claim in behalf of A. Adams, Agent, Benson, Arizona, for one special call, August 6, 1959.
 - (d) Claim in behalf of H. A. Morse, Agent-telegrapher, Dragoon, Arizona, for one special call, August 6, 1959."

OPINION OF BOARD: The claim charges that on several occasions on August 6, 1959 members of train crews telephoned the dispatcher at Tucson direct from outlying stations, reported their trains, transmitted and received lineup of work to be performed and train line ups. The several conversations will be considered separately as sub-claims.

Sub-Claim No. 1: At 11:25 A.M. a crew member telephoned the dispatcher, gave his position as Bowie and said "we will have 7 cars leaving here including 3 for Douglas. There was no operator on duty at Willcox and no bills in the box as we came east." Dispatcher said "O.K. there is no use in stopping at Willcox then." Crew member said, "we are ready to leave here now." Carrier says that the information as to cars in the train was voluntary and there is no evidence that dispatcher took any action on it. We are not impressed with this argument. The crewman gave the train's position and its departure as well as the consist of the train. The dispatcher authorized the train not to stop at Willcox. This conversation concerned the movement of the train and the claim is meritorious.

Sub-Claim No. 2: At 4:03 A.M. a member of the crew of Extra 5657 East called the dispatcher from Willcox and said, "We are in here for the passenger trains." Dispatcher said, "yes No. 1 and No. 4 will meet either at Raso or Luzena so you won't get out of there before about 5:15 A.M. Pick up at San Simon SP 101507 copper for the east set out account of hot box has been rewheeled and ready to move, waybill at Lordsburg."

Carrier says this is not a lineup of passenger trains or the copying of a message of record; that the conversation was unnecessary. We think this type of communication relates to the movement of trains and have so held in Award 14, Claim 1, Sub-claim 15. The train crew reported itself in the clear. The dispatcher gave instructions concerning the pick-up and set out of a car. The claim is sustained.

Sub-Claim No. 3: At 4:10 A.M. a member of the crew of Extra 6241 West called dispatcher from Benson, gave his position and said he was ready to go. The dispatcher said O.K. At 4:13 a crew member of the Bowie Turn called dispatcher and said, "We have three cars to set out at Mescal from Douglas." Dispatcher said O.K. Carrier says there was no reason for either of these calls; that the dispatcher knew from the CTC board the location of the trains. By the first call the crew certainly gave its location and secured permission to move. In our view this related to train movements and we sustain the claim for one call without passing upon the second telephone conversation.

Sub-Claim No. 4: At 2:53 A.M. a trainman called the dispatcher direct from Dragoon and said, "Have switch list for LA 36041 Box at Cochise for El Paso set out by another conductor. Do you have anything on it." Dispatcher said no, but he would find out from agent after he came on duty. Crewman said, "We have a tank car to pick up at Benson and will head it in on the powder track. Am leaving Dragoon now." Carrier says the conversation was unsolicited and indecisive and that there is no evidence that the dispatcher took an action thereon. Nevertheless the crew reported its position, inquired about what to do with a particular car, stated its line-up of work for two stations and its departure. We believe these communications related to train movements, and therefore sustain the claim.

Carrier has argued that none of the four conversations qualified as train orders, or train line-ups; that they were unnecessary since train movement of trains in CTC territory is controlled by signal

indication. We are not persuaded. They need not be technical train orders or line-ups. As we have said in another award the fact that the communication was in CTC territory is not controlling. S.B.A. 553, Award 10. If due to CTC there is no need for this type of communication why do the trainmen and dispatcher continue to use it. Carrier can easily have its employees discontinue these calls. The fact that the trainmen and dispatchers continue to resort to this type of communication casts doubt on Carrier's argument. Our position finds support in Award 6343 of the Third Division.


AWARD

The claim is sustained for call payments to each of the telegraphers named.

SPECIAL BOARD OF ADJUSTMENT NO. 553


Roy R. Ray, Chairman


D. A. Bobo, Employee Member


L. W. Sloan, Carrier Member

San Francisco, California

September 2, 1965