

AWARD NO. 4

DOCKET NO. 4
GR.DIV.: 3298

SPECIAL BOARD OF ADJUSTMENT NO. 591

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

READING COMPANY

STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Reading Company, that:

1. Carrier violated and continues to violate the Agreement when it requires or permits employes not covered by the Agreement to handle train orders and messages at Rupert, Pennsylvania.

2. Carrier shall compensate the senior idle employe, extra in preference, in the amount of a day's pay (8 hours) each day the violation occurs, commencing April 28, 1960 and continuing thereafter on a day-to-day basis until the violation is corrected."

FINDINGS:

The last telegrapher position at Rupert was abolished on July 16, 1958. Thereafter train orders were delivered to train crews there, when occasionally necessary, by telephone from the operator at Milton tower.

There is no contention that Article 34, the train order rule, is violated. Rather it is contended that all train order work is reserved to telegraphers by the scope rule and that Article 34 is an exception thereto.

The scope rule lists positions, not work. Such scope rules have been interpreted by the Third Division, N.R.A.B. to comprehend work customarily assigned exclusively to and performed by those positions. Here it appears that wayside phones were used in the manner and for the purpose involved in this case prior to the first agreement with the Organization in 1946, and have been so used in the ensuing years. Moreover it is clear that Article 34 is not an exception to the scope rule, but the only specific reservation of work provision in the agreement. Under these circumstances the scope rule does not support that contention.

AWARD: Claim denied.

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/s/ Dudley E. Whiting
DUDLEY E. WHITING, CHAIRMAN

/s/ John T. Finnegan
JOHN T. FINNEGAN Dissenting
Organization Member

/s/ V. W. Bigelow
V. W. BIGELOW
Carrier Member

PHILADELPHIA, PA.

JAN 10 1966, 1965.