

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David Dolnick, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly the Scope Rule, by permitting various business firms to maintain a stock of blank revenue tickets, and to make up such tickets into revenue rail transportation, which is work that is and has been the assigned duties of clerical employes in the Ticket Sales and Service Bureau, Pennsylvania 30th Street Station, Philadelphia, Pennsylvania, Philadelphia Region.

(b) Each Ticket Clerk or other affected clerical employe named herein, or their successors, should be allowed eight hours pay a day, at their usual rate of pay, as a penalty, for each date involved, commencing March 5, 1957, and continuing until the violation is corrected: C. Bott and 38 others. [Docket 346]

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes as the representative of the class or craft of employes in which the Claimant in this case held a position and the Pennsylvania Railroad Company—hereinafter referred to as the Brotherhood and the Carrier, respectively.

There is in effect a Rules Agreement, effective May 1, 1942, except as amended, covering Clerical, Other Office, Station and Storehouse Employes between the Carrier and this Brotherhood which the Carrier has filed with the National Mediation Board in accordance with Section 5, Third (e), of the Railway Labor Act, and also with the National Railroad Adjustment Board. This Rules Agreement will be considered a part of this Statement of Facts. Various Rules thereof may be referred to herein from time to time without quoting in full.

The thirty-nine claimants named in this case are the incumbents of Group 1 clerical positions in the Ticket Sales and Service Bureau, 30th Street Station,

Therefore, the Carrier respectfully submits that your Honorable Board should deny the claim of the Employees in this matter.

The Carrier demands strict proof by competent evidence of all facts relied upon by the Claimants, with the right to test the same by cross-examination, the right to produce competent evidence in its own behalf at a proper trial of this matter, and the establishment of a proper record of all of the same.

(Exhibits not reproduced.)

OPINION OF BOARD: On or about January 22, 1955, Carrier opened a new Ticket Sales and Service Bureau in Philadelphia. One of the new machines installed was the Industrial Intrafax, which is "an electronic device for quickly transmitting impressions of documents." Telereceivers, equipped to receive and send document impressions, were installed by Western Union in offices of subscribing industrial concerns. These were connected with the Industrial Intrafax equipment in Carrier's ticket office. Transportation information, Coach and Pullman reservations, and the purchase and sale of local and interline tickets are transmitted and received on these machines. Group 1 employees receive and send the messages from Carrier's ticket office. They perform all of the duties they normally do when a ticket is purchased at the ticket office. A full and detailed description of the work functions at the Carrier's ticket office and at the office of the subscribing industrial firm is in the record. No useful purpose is served to repeat here that lengthy recital of facts. A brief summary is contained in the Joint Statement of Agreed Upon Facts, dated May 6, 1958. This, in part, reads:

"3. Subscribing industries needing rail transportation contact the Ticket Sales & Service Bureau, Pennsylvania Station—30th Street, Philadelphia, Pa. via the industrial intrafax. The necessary information such as origin and destination points, route, first class or coach, round trip or one way, date and expiration date, ticket number and charges are transmitted to the industry by Ticket Sales & Service Bureau via the intrafax. Upon receipt of the information requested, the industry applies same to blank rail ticket forms furnished the industry.

"4. Group One employees (Ticket Clerks and Information Clerks) furnish all the information listed in Item 3."

Petitioner filed this claim on or about June 5, 1957, about two and one-half years after the Industrial Intrafax was installed. It is the position of Petitioner that the copying of the information on the blank ticket by the subscriber's employe is work "which has always been performed by Group 1 employes of the Carrier, who are covered by the Clerks' Rules Agreement. . . ." They argue that this is in violation of the Scope Rule of the Agreement.

The Joint Statement of Agreed Upon Facts, above quoted, shows that the subscriber's clerk does not do the work customarily and historically performed by Group 1 employes. All he does is to copy the information transmitted by a Group 1 employe onto a blank rail ticket form. There is no evidence in the record that subscribers' clerks replaced Group 1 employes. On the contrary, the record shows that Group 1 employes performed the same work which they did before the Industrial Intrafax was installed. There was no loss of employment by the installation of this device. For

this reason, it is not necessary to discuss the other interpretation issues raised by the Carrier with respect to the application of the Scope Rule.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Carrier did not violate the Agreement.

AWARD

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of January 1964.