

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Howard A. Johnson, 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, by permitting and requiring Yard Brakemen, not covered by the Clerks Rules Agreement, to perform clerical work at Yard B, Columbus, Ohio, Columbus Division, on first, second and third tricks.

(b) Extra Clerk, J. E. Miller, and other clerks to be named, each to be allowed eight hours' pay as a penalty for October 16, 1952, and all subsequent dates until the violation is corrected.

OPINION OF BOARD: The Joint Statement of Agreed-Upon-Facts states:

"For many years prior to October 16, 1952, the starting date of this claim, a Yard Trainman has been regularly assigned to, and carried on the timeslip of the Yard 'B' Westbound Hump Crew, Columbus, Ohio, on the 1st, 2nd and 3rd tricks, and has been referred to by various titles such as 'List Man', 'Pump Handle' or 'Cabin Man', such employees being used to perform the following duties:"

Then follow three paragraphs setting forth the many duties so performed by Yard Trainmen.

The fact that for many years the work in question has been performed by Yard Trainmen, demonstrates that the Brotherhood of Railroad Trainmen is involved in this dispute, and therefore is entitled to notice of hearing, pursuant to Section 3, First (j) of the Railway Labor Act.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 any decision on the merits must be deferred until notice is given to the Brotherhood of Railroad Trainmen.

AWARD

Consideration of decision upon the merits is deferred pending notice by the Division to the Brotherhood of Railroad Trainmen.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 28th day of January, 1958.