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Docket No. CL-8188  
Award No. 15

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

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 Rules 3-B-1, 3-B-2, and 3-E-1, by diverting 83 cars of L.C.L. merchandise on November 10, 1952, 56 carloads on November 11, 1952, and 5 carloads on November 13, 1952. These cars of merchandise, all destined 11th Street Freight Station, Pittsburgh, Pennsylvania, Conemaugh Division, were diverted to freight stations in other seniority districts.

(b) That A. J. Marino and 316 other named regularly assigned employees, as well as all Extra employees, at Eleventh Street Freight Station, who were deprived of the overtime required to unload and handle the diverted freight, each be allowed one day's pay, at the punitive rate, for each of the dates mentioned in the claim, November 10, 11 and 13, 1952, as a penalty. (Docket C-706)

FINDINGS: It appears from the record that the 11th Street Station at Pittsburgh handled LCL freight both for the city and other adjacent localities. Two truckers' strikes in August and September, 1952 resulted in heavy increase of LCL business and these were followed by a strike of teamsters in Pittsburgh on October 28, which held up deliveries in the city and caused overcrowding of platform space at the freight house and otherwise hampered the transfer work. The eventual result, early in November, was, in the words of the employees, "a staggering and crippling accumulation of cars at 11th Street Station and in the adjacent yards."

To relieve the accumulating congestion Carrier made effort to employ available platform forces and called for increasing overtime, for which it paid in the month of November more than \$63,000.00, being 35% of the total wages paid those forces.

Further, to relieve the congestion and resulting delay Carrier diverted the cars here complained of to freight stations in other seniority districts. However, it appears to have diverted no more than necessary to ease the congestion without affecting full time employment at 11th Street Station since the employees there worked more overtime in the latter part of November, after the diversions than before.

In the situation here presented as in that in Docket 7789, we find that due to conditions beyond Carrier's control the employees were unable to accomplish timely performance of the work and Carrier was thereby released from any obligation which might exist to the extent that it acted in the diversion of cars to other freight stations for handling.

AWARD: Claim denied.

Signed this 17th day of July, 1957

/s/ R. H. Skinner, Jr.

R. H. Skinner, Jr., Carrier Member

S. V. W. Loehr, Employee Member

/s/ Mortimer Stone

Mortimer Stone, Chairman