

SPECIAL BOARD OF ADJUSTMENT NO. 192

PARTIES: BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYEES
and
THE BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD COMPANY.

AWARD IN DOCKET NO. 3

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

- (a) The Carrier violated the Agreement with the Brotherhood governing hours of service and working conditions when it permitted or required, through assignment or otherwise, certain Mechanical Department employees and others not covered by the Scope Rule of the Clerks' Agreement to tie down or untie freight containers, vans or trailers on freight cars at Forest Hill Freight Station, Chicago, Illinois, in connection with movement of such cars in TOFCEE (piggy back) service beginning with July 20, 1954, and
- (b) That Claimants P. J. Kane and John Plefka be compensated at Truckers' rate of pay for the equivalent number of hours that the Mechanical Department employees devoted to the tying down and untying of freight containers, vans or trailers moving in the trailers on flat cars covered by the following waybills:

<u>INBOUND</u> <u>TRAILER NO.</u>	<u>POINT</u> <u>OF ORIGIN</u>	<u>WAYBILL</u> <u>NO.</u>	<u>DATE</u>	<u>DATE</u> <u>HANDLED</u>	<u>WEIGHT</u>
177	Mt. Clare	320006	7-23-54	7-24-54	32947
103	"	321417	7-29-54	7-30-54	30576
234	"	133862	7-29-54	7-30-54	14000
102	"	321416	7-29-54	7-30-54	33547
124	"	321415	7-29-54	7-30-54	33640
128	Phila. Pa.	102480	8- 4-54	8- 6-54	26440
148	Mt. Clare	322571	8- 4-54	8- 6-54	25500
120	Pitts. Pa.	234941	8- 6-54	8- 7-54	29378
238	Mt. Clare	323245	8- 6-54	8- 9-54	31057
166	"	323710	8- 9-54	8-10-54	29738
212	Phila. Pa.	103322	8-16-54	8-17-54	22925
197	Mt. Clare	326231	8-18-54	8-19-54	24250
200	"	327098	8-20-54	8-21-54	31000
151	"	327558	8-23-54	8-24-54	27165
235	"	39710	8-30-54	8-31-54	26918
195	"	329711	8-30-54	8-31-54	25000
148	Pitts. Pa.	41909	9- 2-54	9- 3-54	23000
159	Mt. Clare	302124	9- 9-54	9-10-54	26736
146	"	303119	9-13-54	9-15-54	23950
185	Phila. Pa.	355027	8-31-54	9- 1-54	18500
113	"	104738	9- 1-54	9- 2-54	31450

<u>OUTBOUND</u>	<u>POINT OF ORIGIN</u>	<u>WAYBILL NO.</u>	<u>DATE</u>	<u>DATE HANDLED</u>	<u>WEIGHT</u>
234	Chgo., Ill.	75532	8- 6-54	8- 6-54	14584
166	"	370955	8-18-54	8-18-54	24098
197	"	373394	8-30-54	8-30-54	22323
148	"	373795	8-30-54	8-30-54	20016
230	"	82756	9- 2-54	9- 2-54	25500
148	"	84903	9-10-54	9-10-54	25500
113	"	377214	9-10-54	9-10-54	31639
159	"	377658	9-14-54	9-14-54	26429

(c) That claim shall be considered as a continuing one beginning with July 20, 1954, and subsequent dates to be determined from Carrier's records until the violation is corrected.

FINDINGS:

This claim is based on the contention that the work of tying down and untying of trailers on flat cars in the commonly called "piggy-back" operation is work covered by the scope of the Clerks' Agreement.

The "piggy-back" service was inaugurated by the B&O on July 20, 1954 and the aforementioned work has been performed by its Car Department employees.

This same type of claim was presented to the Third Division, National Railroad Adjustment Board, in a case involving this same Brotherhood and the Erie Railroad Company upon which that Division issued its Award No. 7299. The Scope Rule in the Erie Agreement like the same rule in the Clerks' Agreement involved here does not describe the work covered thereby. Insofar as pertinent to a disposition of this dispute, there is no material difference between the Scope Rule in the B&O Clerks' Agreement and the Erie Clerks' Agreement. The type of work asserted to be covered by the Agreement in Award 7299 was identical to the work involved here. In Award 7299 the Board carefully set forth its reasons for finding that this work is not the exclusive work of clerks. We have carefully considered this case and the Opinion of the Board in Award 7299 and find that the reasoning set forth therein (to which we subscribe) is equally applicable here. We find no reason to further labor the subject and accordingly hold that for the reasons set forth in the Opinion of the Board in Award 7299 that this claim should be dismissed.

AWARD

Claims (a), (b) and (c) dismissed.

/s/ Francis J. Robertson
Francis J. Robertson, Chairman

/s/ E. J. Hoffman
E. J. Hoffman, Employee Member

/s/ T. S. Woods
T. S. WOODS, Carrier Member

Dated at Baltimore, Md., this
13th day of January 1959.