

Case No. 16  
Award No. 29  
O.R.T. Case No. 1875 (TE-8471)

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers  
and  
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim of The Order of Railroad Telegraphers on the Pennsylvania Railroad, Cincinnati Division, that Operator G. T. Nave be paid the daily pro rata rate of pay of Relief Section No. 6, beginning on and including Sept. 18, 1953, for every day he is held off this Relief Job." (Cincinnati Division Case No. 110 - System Docket No. 239)

FINDINGS:

There are three pertinent facts in this record which require a denial award.

1. Claimant did not apply when this position was first advertised as a temporary vacancy. Laudenslager did.
2. A knowledge of typing is a prime requirement in this position. Claimant had no typing ability or experience. Laudenslager had two years typing experience.
3. Carrier offered Claimant the same total number of days Laudenslager used in qualifying. The offer was rejected.

AWARD:

Claim denied.

Signed this 10th day of April, 1961.

/s/ E. A. Lynch

E. A. Lynch, Chairman

/s/ C. E. Alexander

C. E. Alexander, Carrier Member

R. J. Woodman, Employee Member



DISSENT TO DOCKET TE-8471

This member cannot agree that the three pertinent facts which the majority says requires a denial Award are controlling here:

1. Because Claimant did not apply for a position on a temporary basis when first advertised has no bearing on his qualifications for the position on a permanent basis, and was not an issue in the instant claim.
2. The second fact referred to by the majority was fully discussed in the Employees' Submissions and bears no repeating here, except to reiterate that other employees were assigned to positions in "C" Office without this "Prime requirement." It should also be noted that Laudenslager, with two years typing experience, resigned from the service of the Carrier and never did qualify on all the positions to be worked in Relief Section No. 6.
3. Laudenslager spent a total of 41 days in "C" Office learning to operate the teletype machine. At the insistence of the Organization the Carrier offered Claimant a total of 7 days to qualify on the same machine. Before resigning, Laudenslager had posted for 52 days on all portions of Relief Section No. 6 while Claimant posted 23 days on all portions except "C" Office. Even by adding the 7 days he would have a total of 30 days, while Laudenslager received 52 days and would have been given more time if he had not resigned. Notwithstanding the facts, the Board has erroneously concluded that the Claimant was offered the same total number of days as Laudenslager.

The Award is erroneous based on the factual evidence in this case.

/s/ Russell J. Woodman

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Russell J. Woodman,  
Employee Member

