

ORT CASE 2115
DOCKET NO. TE-9405
AWARD NO. 43

SPECIAL BOARD OF ADJUSTMENT NO. 310
The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the O.R.T. that a Yard-master was stationed at 'C' Tower from 7:00 A.M. to 9:00 A.M., August 1, 2, 3, 4, 5, 8, 9, 10, 11 and 12, 1955 and performed work at 'C' Tower that is the exclusive work of the Block Operators and in violation of the Scope Rule, which prescribed the classes of employees entitled to perform work under the Telegraphers Agreement.

Account of this violation, I hereby make claim for the following regular employees who were on their rest days and available to perform this service at 'C' Tower:

DATE	CLAIMANT	REST DAYS	PENALTY CLAIM
August 1-8	J. A. Klukowicz	Sunday and Monday	Call
August 2-9	P. A. Lombardie	Monday and Tuesday	Call
August 3	E. J. O'Connor	Tuesday and Wednesday	Call
August 4-11	S. Ball	Wednesday and Thursday	Call
August 5	J. Schwartzberg	Thursday and Friday	Call
August 10	E. Schulkind	Extra employee	Day's pay
August 12	S. Halaski	Friday and Saturday	Call

In accord with Regulation 4-T-1, claim is made for a call for the above named employees in accordance with Regulation 4-J-1 and a day's pay for E. Schulkind, extra employee, an extra employee who was available to perform this service on August 10, 1955, in accord with Regulations 5-E-1 and 4-D-1." (New York Region Case No. 93 - System Docket No. 312)

FINDINGS:

The facts in this case are not in dispute.

Carrier contends there were some "green" operators assigned to this tower. Organization describes the situation as one where both the regularly assigned first shift block operator and leverman were on vacation. An inexperienced block operator and an inexperienced leverman were assigned as vacation relief. It is apparent they were unable to handle the work during the morning rush hour, and the Carrier says it assigned a "special duty yardmaster" as a "matter of good operating procedure" during the morning rush hours "in order to supervise the operation and x x x advise the Block Operator and Leverman should the necessity arise."

We agree with the Organization that Carrier assigned work normally the work of Telegraphers to a person outside the Agreement. Certainly it is logical to assume that had an experienced operator been on duty the work would have been properly handled. Carrier should, as Organization argues, have assigned an experienced block operator to this task, and not a "special duty yardmaster."

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AWARD:

Claim sustained.

Signed this 10th day of April, 1961.

s/ E. A. Lynch

E. A. Lynch, Chairman

s/ C. E. Alexander

C. E. Alexander, Carrier Member

s/ R. J. Woodman

R. J. Woodman, Employee Member

