

CASE NO.
AWARD NO. 44
DOCKET NO. TE-9490
ORT CASE 2151

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 L. Fernandez, regular assigned Leverman 'JO' Tower delivered New Haven train orders on October 26, 27, 28 and 29, 1955. As Rule 400-N21, Book of Rules, provides that the Operator is responsible for the delivery of train orders, he submitted claim for the dates in question for the Operator's rate of pay account of performing Operator duties and which was denied. As he did perform the duties of the Operator he is entitled to the Operator's rate of pay and it is requested that it be allowed." (New York Region Case No. 114 - System Docket No. 327)

FINDINGS:

We have carefully reviewed this record and conclude that the Leverman service here involved -- walking downstairs from the tower to the train platform and physically handing the orders to the members of the engine and train crews to whom addressed -- cannot be held here as "performing operator duties." The act performed by the leverman was the act of a messenger, and cannot be construed to be the assumption of the Operator's "responsibility" for the delivering of train orders. Most certainly, it cannot be construed as being "required to work temporarily in a position" of operator. He continued to work at his regular position of leverman.

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

/s/ R. J. Woodman

R. J. Woodman, Employee Member