

CASE NO. 45
AWARD NO. 46
DOCKET NO. TE-10585
ORT CASE 2520

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 that the Agent at Plain City, Ohio is entitled to be paid his own salary, plus the salary of the Agent at Milford Centre, Ohio, during the period he was required to serve both agencies, due to a temporary consolidation of these agencies, which is a violation of the April 12, 1938 Agreement. Claim is also made that he be allowed any necessary travel time expense or overtime, in addition to the two salaries mentioned above, if he was required to work or travel in excess of his regularly assigned hours at Plain City, Ohio." (Buckeye Region Case No. R-8 - System Docket No. 387)

FINDINGS:

This case turns on right of Carrier to direct the Agent at Plain City to perform the necessary work at Milford Centre from August 13 through 24, 1956, while the Agent-Operator at Milford Centre was on vacation.

Carrier relies on Articles 6 and 10 of the National Vacation Agreement which decree (a) that Carrier does not have to appoint unneeded vacation relief workers if failure to do so does not burden those employees remaining on the job, or burden the vacationing employee on his return.

Carrier having the right to designate one employee to fill the assignment of another employee while on vacation, the only test to be applied here is to determine if the employee thus assigned, or the vacationing employee on returning from vacation, was "burdened" or did he "suffer?"

Such a charge is not made, much less proven, in the claim before us.

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
DISSENTING