

Case No.
Award No. 48
ORT Case No. 2714 (TE-10989)

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 W. J. Arbucho, Regular assigned Assistant Train Director, 'A' Tower, third trick, rest days Tuesday and Wednesday, was available and not used to work the Assistant Train Director's position at 'A' on Tuesday, June 18th and on Wednesday, June 19th, 1957, but instead, regular assigned employees were diverted to make rest day relief in violation of Regulations 5-G-1, Awards 5271, 5475 and 6524.

The regular assigned Relief Assistant Train Director who covers the third trick Assistant Director's position on Tuesday and Wednesday was on vacation. The rest day relief was accomplished as follows: On June 18, 1957, E. Peishell, regular assigned third trick Leverman at 'A' was diverted from his regular assignment to work the Assistant Train Director's position, third trick, vice relief employee who was on vacation.

On Wednesday, June 19, 1957, W. A. O'Toole, regular assigned relief employee at 'A', whose schedule comprehends working second trick Train Director's position on Saturday; Assistant Train Director on Sunday; Telegrapher on Monday; Train Director on Tuesday and third trick Levers on Wednesday, was diverted to work the Assistant Train Director's position vice the regular relief employee who was on vacation.

Regulation 5-G-1 and N.R.A.B. Awards hold that rest day relief must be made, first by the regular relief employee; secondly, by an available extra employee and if none available, then by the regular incumbent. The claimant is the regular incumbent and should have been called in the absence of the relief employee and an extra employee. Claim is valid and it should be allowed." (New York Region Case No. 45/57 - System Docket No. 459)

FINDINGS:

It is agreed that decision here will follow that in our Award No. 33 in Docket 8746.

Claimant was entitled to be called on the rest days in question when the regular relief assistant train director assigned to this job was on vacation and there was no eligible extra employee available.

This claim will be sustained.

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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

