

SPECIAL BOARD OF ADJUSTMENT NO. 355

CAR. FILE: 2941
COM. FILE: A-3731
GR. DIV. BU-9223-33
CASE NO. 280

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 280

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when, on July 8, 1962 it required or permitted an employee not covered by said Agreement to perform work during the ticket agent's assigned hours at Chillicothe, Ohio.
2. Carrier shall compensate ticket agent R. W. Barnhart in the amount of eight hours at the time and one-half rate for July 8, 1962.

FINDINGS:

This claimant is used on a 10:40 and 11:34 A.M., call basis to cover the arrival of two trains on Sundays. On the date giving rise to this claim a third train which ordinarily arrives outside claimant's assigned hours was late and arrived within his assigned 8:00-5:00 workday hours. Scheduled for a 5:32 A.M., arrival it did not arrive until 8:45 A.M. Carrier used a ticket clerk, outside the agreement here applicable, to cover the arrival of the train.

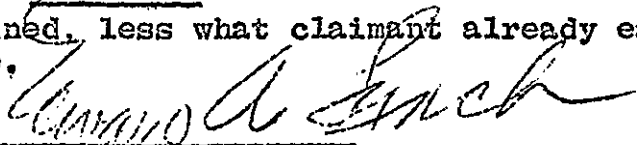
In our Award in Docket No. 273 we followed our Award in Docket No. 112 which held that "when Carrier requires that work be performed on the rest days of positions, the work must fall within the established time limits of the position or positions required to be worked."


This record does not disclose when Carrier first became aware of the fact that Train No. 1 would be late. It shows the Trainmaster instructed the Ticket Clerk to protect it, and that clerk's assigned hours end at 5:30 A.M. The train did not arrive until 3 hours, 15 minutes later. Carrier's defense is that "the ticket clerk is regularly assigned to handle Train No. 1."

As it turned out, Carrier required the handling of Train No. 1 within the assigned hours of Ticket Agent R. W. Barnhart, and a sustaining award is required.

A W A R D

Claim sustained, less what claimant already earned on that date.


Edward A. Lynch
Chairman


C. R. Pressly
Employee Member


E. E. Platt
Carrier Member

Dated at Baltimore, Maryland
this 16th day of September, 1964.