

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,
Express and Station Employees.

and

The Pennsylvania Railroad Company.

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly the Scope Rule and Rules 2-A-1 and 2-A-2, when it used taxi cab drivers employed by the Hills Cab Company to perform messenger work in transporting bills between various points in and around Columbus, Buckeye Region.

(b) Positions of Messenger, sufficient in number to perform this work be established and bulletined, and that R. P. Dolan, P. H. Peters, and other Group 2 employees designated by the Brotherhood, be allowed a call, as provided in Rule 4-A-6, for each trip made by the Hills Cab Company drivers in transporting bills, not less than six such calls to be allowed on each of the three tricks, or tours of duty, each date. Claims are retroactive ninety days from June 20, 1956, and include all subsequent dates until the violation is corrected.

FINDINGS:

The parties are agreed that "since January 1, 1933, the Hills Cab Co., of Columbus, Ohio have been used for transporting employees and bills between points in Columbus."

The Organization relies on the parties settlement in joint System conference of Organization's claim in File No. W-705.

We do not think the citation is helpful for in that case the Carrier abolished three positions and assigned messenger work to a taxi company on the rest days of a janitor to whom such work was assigned when the three positions were originally abolished.

This Carrier has been using this service in the manner described since January 1, 1933, without protest, which was 2 years before Clerks Organization came on this property. The claim before us arises 24 years (June 19, 1957) later. There were no jobs abolished here precedent to the utilization of this service. The service included handling way bills. Save for transporting employees, no other service is proven.

SBA 374
Award No. 1

No rule violation has been shown here. A denial Award is in order.

AWARD:

Claim denied.

Signed this 12th day of December 1961.

/s/ Edward A. Lynch
E. A. Lynch, Chairman

/s/ A. E. Myles
A. E. Myles, Carrier Member

/s/ A. B. Seward
A. B. Seward, Employee Member