

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:

System Docket 208 - Northwestern Region Case 156 - "Claim of the
System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 2-A-1(e), and 4-C-1, when it arbitrarily removed Mr. C. F. Pratt from his regular position of Tractor Operator, in the Back Shop, Fort Wayne, Indiana, Northwestern Region, and required him to work as a Store Attendant in the Fort Wayne Car Shop.

(b) The Claimant, C. F. Pratt, should be allowed an additional eight hours pay a day, as a penalty, for each of the following dates on which the violation occurred, September 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28 and October 1 and 2, 1956."

FINDINGS:

This claim originates because, as Organization maintains, Claimant "did not make a request to work the Store Attendant position, but was required to do so against his will."

Carrier states it was a practice to use the senior man on higher rated vacation vacancy. The regular hours of tractor operator and store attendant are identical. The man on vacation was one day late in returning. Many Third Division Awards have held that an absence, account of vacation is not a vacancy per se.

We will follow our findings in Award No. 15 and deny the claim. No violation is proven.

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