

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 294 - Southwestern Region Case 68-56 - "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 (e) 2-4-3 (d), 3-A-1, 3-H-1 and the Rose Lake Yard Group 1 Extra List Agreement, when it permitted Miss Sharon Noll to fill a vacation vacancy existing on clerical position Symbol TR-4-E, located in the Enginehouse Foreman's Office, Rose Lake Yard, Illinois, Southwestern Region, and refused to permit Extra Clerk C. J. Maxwell to fill the vacancy or post on the position.

(b) The Claimant, C. J. Maxwell, should be allowed eight hours pay a day, as a penalty, for each day that Miss Noll was used to work Position TR-4-E and other clerical positions from June 12, 1956, until September 8, 1956, particularly July 12, 13, 16, 17, 18, 19 and 20, 1956. "

FINDINGS:

The incumbent of clerical position, Symbol TR-4-E was absent on vacation from July 9 through July 20, 1956.

At the outset we will sustain Carrier's objections to expansion of the claim by the Organization after handling on the property to include "other clerical positions" and dates from June 12 to September 8, 1956.

There is in this record abundant proof that Claimant did not attempt to post, or state he desired to post on the position in question. He was offered such opportunity covering a subsequent vacancy on the same position.

Article 12 (c) of the National Vacation Agreement confers on Carrier the right to act as it did in this case. Carrier also has the right to determine the qualifications of such job. Such qualifications do include stenographic duties.

SOA 374
Docket CL-11303
Award No. 18

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