

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 297 - Southwestern Region Case 27-57 - "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, 2-A-2 and 3-A-1, when it assigned a regular clerk, E. F. Zakszewski, to a newly established clerical position at Rose Lake Yard, Illinois, Southwestern Region, effective approximately January 1, 1957, and failed to bulletin and award the position in accordance with the provisions of the Rules Agreement.

(b) The Claimant, R. C. Johnson, should be allowed eight hours pay a day, as a penalty, for January 2, 1957, and all subsequent dates until the violation is corrected."

FINDINGS:

Position B-60-G is exempt from the bulletining and certain other provisions of the applicable agreement. It is the only position located at Rose Lake Yard so exempt.

Organization argues that what Carrier did here was to "arbitrarily" establish a position that "was the equivalent of a position of Assistant Lead Clerk with the same tour of duty and the same rate of pay as Position B-60-G. The new position was not bulletined or awarded as provided in Rules 2-A-1 and 2-A-2. Neither was it established as a 'personal office force' position by Agreement with the Brotherhood as provided in Supplemental Agreement."

While Position B-60-G is clearly not subject to the bulletining and related rules, the position of assistant to the holder of B-60-G would be subject to such rules.

We think the Organization's position is well taken. The claim will be sustained to the extent of wage loss suffered.

58A 374
Award No. 20

AWARD:

Claim sustained in accordance with Findings.

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