

Docket CL-11341
Award No. 23

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 230 - Buckeye Region Case C-36 - "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, when it permitted and required Truck Drivers employed by the Pennsylvania Truck Lines, Inc., to perform duties ordinarily performed five days a week by an R. & D. Clerk at the Freight Station, Springfield, Ohio, Buckeye Region.

(b) The Claimant, R. J. Bixler, should be allowed eight hours pay a day, as a penalty, for Monday, February 6, 1956, and all subsequent Mondays, or other days, on which the violations occur, until corrected."

FINDINGS:

The work which gave rise to this claim is the same type of work which we, in our award in Docket 11216, held was not violative of the Agreement.

While Claimant here did perform this work when it was required within his tour of duty, he does not have an exclusive right to it.

The claim will be denied.

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