

AWARD NO. 20

DOCKET NO. 20  
GR. DIV.: 4393

SPECIAL BOARD OF ADJUSTMENT NO. 591

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

READING COMPANY

STATEMENT  
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Reading Company, that:

1. The Carrier violated our current agreement by requiring and/or permitting employees (switchtenders) NOT included in the scope rule of our Agreement, to perform communications or record work, at Somerset Street (On Richmond Branch), on February 10-11-12-13-14-15 and 16, 1964, at various times around the clock.
2. In consequence of the above violation Carrier is required to pay the following claimants, or the senior idle telegrapher, extra in preference, a day's pay at the minimum daily tower rate, for each tour of duty indicated.  
(Present daily tower rate for lowest rated job is \$20.6720 per day).

D.E.Smith, 1st shift, Feb. 10-11-12-13-14, 1964	\$103.36
G.J.Coyle, 1st shift, Feb. 15, 16, 1964	41.3440
F.R.Williams, 2nd shift, Feb. 10-11-13, 1964	62.0160
R.J.Twisler, 2nd shift, Feb. 14-15, 16, 1964	62.0160
R.R.Cooper, 3rd shift, Feb. 14, 1964	20.6720
P.A.Try, 3rd shift, Feb. 15-16, 1964	41.3440

3. In consequence of the above violation the Carrier is required to fill, all three shifts and relief position(s) at Somerset Street, with employees under the scope of our Agreement.
4. This claim is being entered as a 'continuing' claim, as provided for in the August 21, 1954 Agreement, Section 3."

FINDINGS:

A position of switchtender is maintained at Somerset Street to throw yard switches for inbound and outbound freight trains under the direction of the Yardmaster. For many years it has been customary for him to notify the operator at NI tower by telephone about trains departing the yard and for that operator to notify him by telephone of inbound trains.

Since the work involved has been treated as switchtenders work by custom and practice for many years, it cannot now be deemed to be a violation of the telegraphers scope rule, because that rule comprehends only the work which has customarily been performed exclusively by the positions listed. Under these circumstances there is no valid basis for this claim.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 591

/s/ Dudley E. Whiting

DUDLEY E. WHITING, CHAIRMAN

/s/ John T. Finnegan

JOHN T. FINNEGAN Dissenting  
Organization Member

/s/ V. W. Bigelow

V. W. BIGELOW  
Carrier Member

PHILADELPHIA, PA.

JAN 10 1966

, 1965.