

C
O
P
Y

Docket No. CL-265.21
Award No. 5

SPECIAL BOARD OF ADJUSTMENT NO. 172

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that,

(a) Carrier violated Rules 1(a)(g), 3(a) 4 and 18(d)(e) of the Clerks' Agreement when they permitted and required non-scope employes, and employes from without the affected seniority district, to divert and/or detour traffic in the Allentown-Bethlehem area between August 19th and 28th, 1955 incl., and

(b) Clerks E. Kemmerer, J. Rubinstine, R. Moore, T. McGovern, R. McGorry, A.E. Fritchey, E. Devereaux, L.N. McGinley, M.E. Burda, J. McCauley, W.H. Bowen, L. Hartranft, W.T. Czapp, C.E. LeVan, L. McGorry, E. Purcell, J. Kohut, F.T. Dougherty, J. Presto and M.P. Ardle, be properly compensated because of the said violation.

FINDINGS

Hurricane "Diane" struck the Pennsylvania Division on August 18, 1955 and completely washed out the facilities of this Carrier. Starting August 19th and continuing to August 28th, some work of re-routing and compiling revenue records in connection therewith in the Allentown-Bethlehem area was performed by officials from the Freight Traffic Division office outside the scope of the agreement, by some clerks from that office and a Traveling Car Agent. The claimants performed their regular assignments during that period.

There is no question but that Carrier was confronted with an emergency, that the work performed was not that regularly performed by the claimants and was work necessitated entirely by the emergency. From this docket it cannot be ascertained what portion of the work performed was strictly clerical work and what portion of it was properly official work. Under these circumstances, the claim cannot be sustained.

AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 172

/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

W.A. Palmatier, Employee Member

/s/ J. J. Duffy
J.J. Duffy - Carrier Member

Jersey City, N. J.
March 19, 1957