

COPY

SPECIAL BOARD OF ADJUSTMENT NO. 192

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 48

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

(a) Carrier violated the provisions of the current Clerks' Agreement when it required and/or permitted Car Foreman G. Mays and S. Smarsch to handle mail between the 28th Street Yard Office and the Car Shop at Lorain, Ohio, and

(b) That Edward Pasturnak, Chauffeur, Lorain, Ohio, be allowed two calls on Saturday and Sunday, August 4 and 5, 1956, and each Saturday and Sunday thereafter, to and including September 30, 1956.

FINDINGS:

Claimant held a regular position as Chauffeur at Lorain, Ohio, rest days Saturday and Sunday. One of the duties of his assignment was to distribute mail between various points in the Lorain Terminal. On the Saturdays and Sundays involved in this claim two car foremen who go on duty at the 28th Street Yard Office in the morning got their own mail and delivered other mail to the Stores Department.

It is argued that this claim is sustainable under Rule 4(b-2) which provides that when work is required on a day which is not part of a regular assignment it may be performed by an available extra or unassigned employee who will otherwise not have forty hours of work that week and in all other cases by the regular employee.

We see no violation of the Agreement in permitting the car foremen to receive their own mail at the Yard Office or to take their own mail thereto since there is no distributing of mail involved. The work which the claimant performed during the week and for which he should have been called on Saturdays and Sundays under the circumstances here was distributing the mail. When the car foremen handled mail from the Yard Office for offices other than their own they were engaged in distributing. Since it is shown that this occurred only in the morning the claim will be sustained for one call on each Saturday and Sunday from August 4 and continuing through September 29, 1956 when the car foremen performed that work. After the latter date it appears that yard clerks on duty have been handling their mail on Saturdays and no mail is handled on Sundays.

AWARD

Claim disposed of as indicated in Findings.

/s/ Francis J. Robertson
Chairman

/s/ E. J. Hoffman
Employee Member

Dated at Baltimore, Maryland this
26th day of August, 1959.

/s/ T. S. Woods
Carrier Member