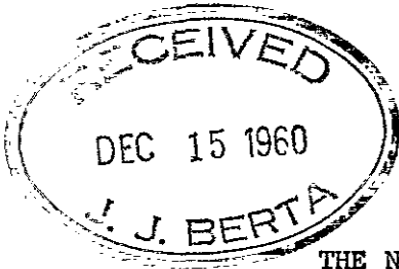


CASE NO. 17
ORT 2817



SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT
OF CLAIM:

- "1. The Carrier violated and continues to violate the provisions of the prevailing Agreement when, commencing February 1, 1958, it blanked the position of Operator-Clerk, Port Chester, New York, on Saturdays and Sundays and required the Clerk-Baggage-man, an employe not under the coverage of the Agreement, to perform the duties of the Operator-Clerk position.
2. R. H. Stefanelli, regularly assigned Operator-Clerk, Port Chester, New York, shall be compensated for lost earnings resulting from the violative action of the Carrier, commencing February 1, 1958, until the position is restored on Saturdays and Sundays.
3. The senior extra employe on each Saturday and Sunday, commencing February 1, 1958, entitled to perform service shall be compensated one day's pay (8 hours) at the rate of the position of Operator-Clerk, Port Chester until the duties are restored to employes under the agreement."

FINDINGS:

Prior to February 8, 1958 the position of Operator-Clerk at Port Chester was assigned to work 3:30 to 11:30 P.M., Sunday through Thursday. It was filled on Friday by Relief position No. 31 and on Saturday by Relief position No. 36. There was also a position of Clerk-Baggage-man assigned 4:00 P.M. to 1:00 A.M., Thursday to Monday. The primary function of both positions was to sell tickets and handle mail and baggage.

The Carrier decided that one position was sufficient to perform such service during those hours on Saturday and Sunday. Effective February 8, 1958 it changed the rest days of the Operator-Clerk from Friday and Saturday to Saturday and Sunday and changed the relief position assignments to other points. Thereafter only the Clerk-Baggage-man was on duty during the second trick on Saturday and Sunday.

While the Organization asserts that the duties of the Operator-Clerk included "transmitting and receiving communications of record", there is no evidence that such was performed. It is shown that Port Chester is simply a passenger station, which controls no block, signals or switches. Thus we find that the duties consisted of selling tickets, handling mail and baggage and clerical duties incident thereto. It appears that such duties have customarily been performed there by employees holding clerical positions and by those

holding telegrapher positions, so the work does not belong exclusively to the telegraphers.

Under such circumstances the claim cannot be sustained.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 306

/s/ Dudley E. Whiting
DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman
RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Gaherin
J. J. GAHERIN, Carrier Member

DATED: October 7, 1960