

Case No. _____
Award No. 30
Docket No. TE-8608
ORT CASE 1913

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Order of Railroad Telegraphers on the Pennsylvania Railroad that the position of Block Operator 1st-2nd-3rd trick 'C' Tower, rate \$1.752 comprehends seven (7) days continuous operation and that effective 12:01 AM Tuesday, February 16, 1954, the carrier in violation of the Agreement inaugurated a policy of blanking this position on 1st-2nd-3rd trick on Sunday and Monday, requiring the Block Operator rate \$1.944 'C' Tower to absorb the work of the Block Operator rate \$1.752.

This position to be restored and Relief Operator James P. Colananni, whose position was abolished be restored to the position and compensated for any loss in earnings or expense incurred because of this violation and any other employees who suffered loss in earnings or were caused extra expense as a result of this change be reimbursed for such loss." (Pittsburgh Division P-48-System Docket No. 238)

FINDINGS:

Organization is here asserting that the position of Block Operator with a \$1.752 rate on all three tricks at "C" Tower "comprehends seven (7) days continuous operation" and that when the Carrier blanked that position on Sunday and Monday (its rest days) and required a Block Operator, with a \$1.944 rate, at "C" Tower to absorb the work of the block operator, rate \$1.752, it violated the Agreement.

Organization cites Awards 4387 which was based on rules preceding the adoption of the Forty Hour Week in the Railroad industry and is, consequently not in point here, and Award 6098. Subsequent to Award 6098 we have Award 6946 (Referee Edward F. Carter who wrote Award 4387).

Organization stresses the fact that there were on each trick two block operators with different rates -- \$1.944 vs \$1.752, and the fact one worked on the "directing side" and the other on the "block side." It was very evident, the Organization says, "that the work of the position on the Block Side on Sundays and Mondays was not abolished in fact but still remained to be performed and accordingly the Carrier required the Block Operators on the Directing Side to perform such work on those days x x x the work of the positions on the Block Side was not in fact abolished."

We cannot agree that the two types of Block Operators create a distinction which is here pertinent. Referee Carter said in Award 6946:

"x x x where classes are established within a craft for purposes other than the establishment of seniority rights, positions in the two classes may properly be staggered if each is qualified to perform the work of the other. If these are proper concepts contained in the 40 Hour Week Agreement, and we think they are, the Carrier had the right to stagger the two positions in the dispute before us. The fact that Carrier changed the duties of the positions as of September 1, 1949, in order that the positions could be staggered to meet operational needs is not a material fact. Either party may do these things which the contract permits for any reason that he deems sufficient."

Preceding this Award, and subsequent to Award 6098 is Award 6184 where Referee Wenke said:

"When all the work can be efficiently performed by staggering of regularly assigned employees the necessity for relief assignments on rest days does not exist."

As Carrier argues, the assignment here complained of is proper under Regulation 5-G-1.

AWARD:

Claim denied.

Signed this 10th day of April, 1961.

/s/ E. A. Lynch
E. A. Lynch, Chairman

/s/ C. E. Alexander
C. E. Alexander, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member

