

CASE NO.
AWARD NO. 38
DOCKET NO. TE-8949
ORT CASE NO. 2036

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and

The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim that seasonal position of Operator-Clerk at Petoskey, should be advertised as in previous years and that W. A. McGuire, Operator-Clerk be compensated at straight time rate covering service on the first trick at Petoskey, from 6:30 A.M. to 2:30 P.M., and at the time and one-half rate for second tour of duty from 1:00 P.M. to 9:00 P.M., on days required to remain on duty beyond his first trick assigned hours." (Fort Wayne Division Case No. 90 - System Docket No. 199)

FINDINGS:

Prior to the summer of 1952, Carrier established a second trick Operator-clerk position for the summer months only. In 1952 Carrier decided the volume of business did not warrant this second-trick position, and it was not advertised or assigned. The first trick Operator-clerk worked beyond his regular 8:30 a.m. - 5:30 p.m. assignment. When used prior to 8:30 a.m., and after 5:30 p.m., he was compensated at the overtime rate. Saturdays were accumulated for relief purposes under Regulation 5-G-1 (h) (3) and Sundays were paid at overtime rates.

There being no showing here that work properly belonging to the telegrapher class is being performed by persons not covered by the Telegraphers' Agreement, the remaining work is work that is not exclusively Telegraphers', and is work normally performed by clerical employees when on duty.

This situation occurred only during the summer allergy season; at all other times, first trick Operator-clerk McGuire reverted to his normal tour of duty.

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