

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 37
CASE NO. 58
BU 5885-33

AWARD IN DOCKET NO. 37

STATEMENT
OF CLAIM:

1. Carrier violates and continues to violate the Agreement between the parties when it requires and permits an employe not covered by the Agreement to perform the work of the position of agent at Olney, Illinois, commencing on November 2, 1958.
2. Carrier shall compensate an idle operator in the amount of a day's pay commencing on November 2, 1958 and continuing thereafter on a day to day basis until the violation is corrected.

FINDINGS:

The type of work involved in this claim is selling tickets, making out reports, handling bank deposits, billing work, etc. It is, by its very nature, clerical work.

We have carefully weighed the positions of the parties here and will follow that line of Third Division Awards (Awards 7784 and 8081, included) which hold that where petitioning organization cannot show that the type of work involved is theirs to the exclusion of all other crafts and classes, a denial award is required.

A W A R D

Claim denied.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ B. N. Kinkead - Dissenting
B. N. Kinkead
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 20th day of February, 1962.