

Docket CL-11216
Award No. 11

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,
Express and Station Employees

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket 231 - Buckeye Region Case C-43 - "Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly the Scope Rule and Rule 4-A-1 (i), when it required and permitted a P. U. & D. Truck Driver to perform duties at the Freight Station, Newark, Ohio, Buckeye Region, on Saturday, April 28, 1956, that are regularly performed by the Tallyman five days a week, Monday through Friday.

(b) The Claimant, R. O. Leslie, should be allowed eight hours pay, at the Tallyman's rate, for Saturday, April 28, 1956."

FINDINGS:

Carrier agrees the Tallyman position here involved is classed as a Group 1 position because the preponderance of the duties of the job is Group 1 work.

The bulletined primary duties are "check freight in and out of cars, prepare CT-619, CT-185 and CT-856 reports." In addition he performs Group 2 work of trucking freight.

What is involved in this claim is that a P.U. & D. truck driver, acting as agent for Owens Corning Fiberglass Corporation, handled 13,000 lbs. of freight from the Company's plant via his truck to the Newark, Ohio, freight station at various times during Saturday, April 28, 1956 and deposited same on the Freight House platform in the vicinity of No. 2 and 3 doors.

The day in question was Claimant's rest day. Organization claims the truck driver performed duties "normally attaching to Tallyman Leslie's position at the Newark Freight Station", that Claimant Leslie was available and should have been called for this work.

The Organization relies mainly on Rule 4-A-1 (i), and the Scope Rule.

We have examined the argument and citations of the parties here and will follow Decision No. 209 of the Clerical and Miscellaneous Forces' Board of Adjustment which held, in part:

"The established practice of the Carrier has been for railroad employees to unload railroad cars and truck the freight to the proper location in the freight house. Since the inauguration of the pick-up and delivery service, the employees of the trucking company have moved the freight from the freight house to the tailboard and thence on to the vehicles."

Decision 209 held "that the claim of the Brotherhood concerning the incidental work of drivers and helpers of Pennsylvania Trucking Lines, Inc., in moving the freight from the platform to tailboard must be rejected. x x x."

That is what is involved in this claim. In the light of that decision the work involved here is not, as Organization claims, work "The Claimant normally performs throughout his work week" and this claim must be denied.

AWARD:

Claim denied.

Signed this 12th day of December 1961.

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

/s/ A. E. Myles
A. E. Myles, Carrier Member

/s/ A. B. Seward
A. B. Seward, Employee Member