SPECIAL BOARD OF ADJUSTMENT NO. 374

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

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket 297 - Southwestern Region Case 27-57 - "Claim of the
System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942,
except as amended, particularly Rules 2-A-1, 2-A-2 and 3-A-1, when it
assigned a regular clerk, E. F. Zakszewski, to a newly established cler-
ical position at Rose Lake Yard, Illinois, Southwestern Region, effective
approximately January 1, 1957, and failed to bulletin and award the posi-
tion in accordance with the provisions of the Rules Agreement.

(b) The Claimant, R. C. Johnson, should be allowed eight hours pay
a day, as a penalty, for January 2, 1957, and all subsequent dates until
the violation is corrected."

FINDINGS:

Position B-60-G is exempt from the bulletining and certain other
provisions of the applicable agreement. It is the only position located
at Rose Lake Yard so exempt.

Organization argues that what Carrier did here was to "arbitrarily"
establish a position that "was the equivalent of a position of Assistant
Lead Clerk with the same tour of duty and the same rate of pay as Position
B-60-G. The new position was not bulletined or awarded as provided in Rules
2-A-1 and 2-A-2. Neither was it established as a 'personal office force'
position by Agreement with the Brotherhood as provided in Supplemental
Agreement."

While Position B-60-G is clearly not subject to the bulletining
and related rules, the position of assistant to the holder of B-60-G would
be subject to such rules.

We think the Organization's position is well taken. The claim
will be sustained to the extent of wage loss suffered.

AWARD:

Claim sustained in accordance with Findings.

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, Employe Member