

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 314 - Buckeye Region Case C-116 - "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 Rules 3-B-1 and 4-A-1 (i), when it assigned the Saturday and Sunday rest day duties of a Group 2 janitor position to Group 1 Relief position at Cincinnati, Ohio, Buckeye Region.

(b) The Claimant, Charles Parker, Jr., should be allowed a three hour call, as a penalty, for Saturday and Sunday, November 10 and 11, 1956, and all subsequent Saturdays and Sundays until the violation is corrected."

FINDINGS:

The parties here agree that the Carrier used P. Malicia, who held a Group 1 position, for Group 2 work on Saturdays and Sundays.

Carrier's defense is that the preponderance of the work of the Group 1 position is Group 1 work.

A claim of this Organization was denied in Award 8003 when it charged this Carrier with violating the Agreement because it assigned to Relief Position No. 11 protection of work at West Street in addition to its responsibility of covering Position B-78-G at South Street.

That Award noted, "the work at this other location (West Street) falls in the same class and craft, is in the same seniority district and carries the same rate of pay (as at South Street)."

This case is distinguished by the fact that here the Carrier combined Group 2 work with Group 1 work on Saturdays and Sundays, the rest days of the Group 2 position.

A sustaining award is in order.

50A 374
Award No. 24

AWARD:

Claim sustained.

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