

SPECIAL BOARD OF ADJUSTMENT 374

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

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket No. 310 - Pittsburgh Region Case No. 124 and 148 -  
"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 2-A-1 and 2-A-2, by using Assistant Yard Master J. B. Fitzgerald, and his successors, to perform clerical duties six days a week 9:00 A.M. to 5:00 P.M., at South Yard Office, 4th Street Yard, Altoona, Pennsylvania, Pittsburgh Region.

(b) The Claimants, R. C. Cartwright, and M. R. Brooks, should be allowed eight hours pay a day, as a penalty, commencing January 2, 1956, and continuing until the violation is corrected. (Docket 310)"

FINDINGS:

We believe a denial award is required here for three reasons:

1. No clerk has been assigned at this location since 1945.
2. For us to sustain this claim, Organization would have to prove that there are more than four hours spent in work that accrues exclusively to clerks. This it has not done.
3. The major portion of the Assistant Yardmaster's time is spent in performing the supervisory duties attaching to his position and in performing work which is incident to such position.

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