

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:

"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, by contracting the making of concealed damage inspections of freight to employees of the Railroad Perishable Inspection Agency, which work is the assigned duty of clerical employees at the Davenport Freight Station, Cleveland, Ohio, Lake Region.

(b) Stanley Tuleta, Clerk, be paid a three hour call, as a penalty, for each violation beginning April 19, 1957, and until the violation is discontinued. (Docket 222)"

FINDINGS:

Part of the assigned duties of Claimant's job was to "make concealed damage inspection of freight shipments."

His claim arises because on April 17, 1959 this Carrier engaged the Railroad Perishable Inspection Agency (RPIA) "to make inspections of carload damaged perishable freight."

The above constitute part of the Joint Statement of Agreed Upon Facts here.

The Claimant in this case is Stanley Tuleta.

The joint statement also notes that

"Concealed damage inspections other than carload inspections of perishable freight are also one of the primary duties of clerical position, Symbol F-53, Davenport Avenue Freight Station, which is held by Clerk E. A. Krahn."

Thus, Carrier's position that Claimant's assignment did not include perishables, finds support in the parties' agreement, as quoted above.

The Organization cites, among others, Award 8236.

The Board sustained that claim because the Scope Rule there involved used the phrase "positions or work." Carrier points out the agreement applicable here refers only to positions. No position has been abolished here.

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Carrier further states inspection of perishables has been handled by the Railroad Perishable Inspection Agency since 1933.

This claim will 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