

AWARD NO. 29

DOCKET NO. 29

GR.DIV.: 3917

SPECIAL BOARD OF ADJUSTMENT NO. 591

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

READING COMPANY



STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Reading Company, that:

1. The Carrier violated the parties' Agreement by requiring an employee not under the scope thereof, a clerk, to perform duties formerly performed by an employee thereunder, commencing May 5, 1962 at West Trenton, New Jersey.
2. In consequence of the above violation, the Reading Company is required to pay claimant, Mrs. C. C. Byecroft, and/or any future incumbents at West Trenton Station, regular or extra, a 'call' (three (3) hours' pay) at West Trenton Station's hourly rate of \$2.6868, for each Saturday, commencing from May 26, 1962 until violation is corrected.
3. This claim is being entered as a 'continuing claim', as provided for in the August 21, 1954 Agreement, claimant(s), dates and amount(s) due to be determined by a joint check of applicable records."

FINDINGS:

At West Trenton Station an agent, a telegraph^{er}-clerk and two clerks are employed Monday to Friday. Prior to December 9, 1961 an extra telegraph^{er}-clerk was assigned on Saturdays. Among the duties performed on Saturday were a track check and preparation of waybills for freight train MB-9. After that date one of the clerks performed those duties on Saturday on a call basis. Effective May 5, 1962 the extra telegrapher - clerk assignment on Saturday was abolished.

It is clear that the duties involved are regularly performed by a clerk on Monday through Friday, so they never became the exclusive work of telegraphers. The ebb and flow theory is not applicable because telegraphers and clerks are still employed at this station. The only work required on Saturday is that performed by a clerk the rest of the week, so it was proper to call a clerk to perform it on Saturday.

AWARD: Claim denied.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, CHAIRMAN

/s/ John T. Finnegan

JOHN T. FINNEGAN
Organization Member

/s/ V. W. Bigelow

V. W. BIGELOW
Carrier Member

PHILADELPHIA, PA.

JAN 10 1966, ~~1965~~