

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

PITTSBURGH & LAKE ERIE RAILROAD

STATEMENT OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on Pittsburgh & Lake Erie Railroad that the positions of ticket-agent at Monaca and the freight agent at West Aliquippa, covered by telegraphers' agreement, be bulletined and filled in accordance with the governing rules of said agreement, and paid at the schedule rate plus the 5¢ per hour increase of Mediation Agreement Case No. A-395 effective August 1, 1937; and that the positions thereafter continue to be subject to the rules of telegraphers' agreement."

STATEMENT OF FACTS: The employees stated the facts to be:

"An agreement bearing date May 16, 1928, as to rates of pay and rules of working conditions is in effect between the parties to the dispute.

"The positions ticket agent at Monaca and freight agent at West Aliquippa are covered by said agreement.

"Effective December 11, 1930, the position of ticket agent at Monaca was discontinued and the duties and responsibilities of the position were transferred to the freight agent at Monaca, a position not covered by telegraphers' agreement. The distance between the two offices is approximately one-half mile.

"Effective November 1, 1929, the position of freight agent at West Aliquippa was discontinued and the duties and responsibilities of the position were transferred to the freight agent at Aliquippa, a position not covered by telegraphers' agreement. The distance between the two offices is approximately 1.10 miles."

The carrier stated the facts as follows:

"Monaca Ticket Agency was consolidated with Monaca Freight Agency on December 11, 1930. Prior to this change the force in the ticket office consisted of an agent and two ticket clerks, the former being subject to the agreement with the Order of Railroad Telegraphers and the latter to the agreement with the Brotherhood of Railway and Steamship Clerks. The position of ticket agent was discontinued, and, commencing December 11, 1930, the freight agent whose position has never been subject to any employees' agreement, assumed the responsibility for the conducting of the ticket as well as the freight agency. The two ticket clerks were continued in service.

"The West Aliquippa Freight Agency was consolidated with Aliquippa Freight Agency on November 1, 1929. Prior to this change the force at West Aliquippa consisted of an agent and one clerk, the former being subject to the agreement with the Order of Railroad Telegraphers and the latter to the agreement with the Brotherhood of Railway and Steamship Clerks. The

OPINION OF BOARD: The record in this case discloses that Clerks are not assigned to do the work formerly performed by the Agents; that Clerks were employed at both points prior to the consolidations, and they have continued to perform the same duties that they have heretofore performed; that no employe was substituted for the former Agent in either instance; but that the Clerks, instead of reporting to a local agent, are merely reporting to a joint agent who is wholly responsible for the agency work at the stations under his jurisdiction. There has been no change in the work performed and/or the duties or responsibilities of the Clerks at either Monaca or West Aliquippa; further, the Clerks at Monaca do not handle orders in connection with train movements.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the facts of record disclose no violation of the agreement between the parties.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1938.