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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY  
THE LAKE ERIE AND EASTERN RAILROAD COMPANY  
vs  
BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

Award No. 1.  
Case No. 2

STATEMENT OF CLAIM:

Claims of Clerks Evelyn M. Curcio and Jane Kreuter as listed below, account of Agent W. S. Coleman at Newell Scales, an employee not within the scope of our agreement, performing clerical contract work on the dates claimed, in violation of Rule 1(d) of the Clerks' Agreement. (CL-125)

Jane Kreuter - February 14, 15, 19, 20, 21, 22, 26, 27, 28, 29, 1952  
March 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21,  
22, 24, 25, 26, 27, 28, 29, 1952  
April 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28,  
29, 30, 1952  
May 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17,  
19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 1952

Evelyn Curcio - January 2, 3, 4, 5, 9, 10, 11, 12, 16, 17, 18, 19, 23, 24,  
25, 26, 30, 31, 1952  
February 1, 2, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23,  
27, 28, 29, 1952  
March 1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 26, 27,  
28, 29, 1952  
April 16, 17, 18, 19, 23, 24, 25, 26, 30, 1952  
May 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 1952

FINDINGS: The Board, upon the whole record and all the evidence, finds that:

The Carrier or Carriers and the employee or employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

The evidence reveals that although some of the work performed by Agent W. S. Coleman at Newell Scales is clerical in nature, the fact remains that it is incidental to and an integral part of the Scale Agent's job content and has been so recognized throughout the 15 year span, during which he has engaged in such performance, without protest or dispute by the organization.

Award No. 1  
Case No. 2

In that the time limit rule was not previously sought to be enforced in the long, drawn out processing of these claims through the various preliminary steps of the Appeal Procedure, and considering that the General Manager's denial of April 3, 1953, almost 7 months following conference, was accepted as an effective disallowance, and that at subsequent discussions of the matter on March 2, 1955, and September 3, 1955, the case was still held open for decision by the highest Carrier Officer designated to these Appeals, it is fair to conclude that the parties hereto waived the time limits specified in Rule 43, effective January 1, 1955, with respect to the instant claim.

AWARD: Claims denied.

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/s/ Harold M. Gilden  
Harold M. Gilden, Neutral and Only  
Member thereof.

Pittsburgh, Pennsylvania  
April 25, 1957