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Award No. 12
Case No. 5

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

STATEMENT OF CLAIM:

Complaint from the Clerks' Committee regarding violation of Rule 1(d) at Newell Freight Office when clerical position was abolished on February 12, 1952 and restored on April 9, 1952 after protest by the Clerks' Committee, and position again abolished June 4, 1952 and the duties remaining of the position, assigned to an employee not under the scope of the Clerks' Agreement. (CL-186)

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.

Neither the Clerk's position at Newell Freight Station nor the work constituting the whole job content was transferred out of or removed from the Clerks' Agreement contrary to Rule 1(d) thereof under the facts and circumstances in this case. The record shows that this job was established in October, 1951, following the upturn in activity at this location, to provide assistance for the Agent in handling of Carrier business. Thereafter, the Clerical position was abolished on February 12, 1952, restored on April 9, 1952 and again abolished on June 4, 1952, to accommodate the Carrier's fluctuating personnel requirements.

Clearly, when the business decline reached the point where the Agent was capable of handling the work alone, without the assistance of an additional clerk, the dimensions of the clerical job completely shrivelled up and ceased to exist.

AWARD: Complaint denied.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member
Thereof

Pittsburgh, Pennsylvania
May 28, 1957