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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

Award No. 24
Case No. 42

vs

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

STATEMENT OF CLAIM:

Time claims in behalf of senior Group 2 employees in Seniority District No. 33 who were available and entitled to work on days that employees without seniority standing were used in the Pittsburgh Baggage Room on December 10, 1954 and subsequent dates. (CL-281)

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.

After exhausting the pool of available furloughed seniority District No. 33 employees, the recruiting of furloughed employees from other seniority Districts and other crafts to obtain sufficient personnel to handle the increased volume of Christmas season baggage and mail work at the Pittsburgh Baggage Room was not a violation of claimants' seniority privileges. So long as extra employees are available at straight time rates, the granting of overtime work opportunities to regular employees is a Carrier prerogative.

Rule 28 (a) comes into play only after the supply of extra, relief or furloughed employees is exhausted, and then only with respect to the regular employees who, at Carrier's direction, are required to work overtime. See Award 4948, National Railroad Adjustment Board, Third Division.

AWARD: Claims denied.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member
Thereof.

Pittsburgh, Pa.
April 24, 1958