

C
O
P
Y

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. 3
CASE NO. 4

STATEMENT OF CLAIM:

Claims of Clerks A. Kreuz and George A. Ward, Jr., for Assistant Foreman rate of pay for June 2, 1953 and subsequent dates, account performing duties formerly attached to position of Assistant Foreman, Job 112, which position was abolished effective June 3, 1953, in violation of the Clerks' Agreement. (CL-169)

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 extensive and significant differences in degree of supervisory authority respectively allocated to Assistant Foreman, Job 112, Central Warehouse, Pittsburgh, and to Platform Check Clerk at the same location, unmistakably show that the incumbents thereon did not perform the same kind or class of work. In these circumstances, Rule 14(b) was not violated on the occasion of the abolishing of Job 112, effective June 3, 1953. The contention that the duties and responsibilities of Job 112 were thrust upon claimants is not supported.

The observations made in Award No. 1, Case No. 2, SBA No. 122, concerning the Carrier's alleged failure to observe the time limit provisions of Rule 43, are also pertinent here.

AWARD: Claims denied.

SPECIAL BOARD OF ADJUSTMENT NO. 122

/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only
Member thereof.

Pittsburgh, Pennsylvania
April 25, 1957