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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. 7
CASE NO. 12

STATEMENT OF CLAIM:

Claim of Mrs. Dorothy T. Ondo, Abstract Clerk, for 8 hours at punitive rate, account not used at McKees Rocks Freight Station on February 22, 1954 (holiday) and a junior regular clerk assigned the duties normally attached to her position, in violation of Rule 28 (d) of the Clerks' Agreement. (CL-212)

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.

By the payment of 8 hours at pro rata, Carrier already has acknowledged that Rule 28 (d) conferred a prior right on Claimant to work her job on February 22, 1954. Rule 29 (b) rationalizes the contention that the proper recovery for the mishandling is the time and one-half rate. Carriers should remunerate Claimant for the difference.

AWARD: Claim sustained.

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

Pittsburgh, Pennsylvania
April 25, 1957