

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,  
Express and Station Employees

and

The Pennsylvania Railroad Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 3-E-1, when it arbitrarily and unilaterally transferred certain clerical work which accrued to, and had been performed by, clerical employees in the Reservation Bureau, New York, New York, former New York Division, a separate seniority district, to employees in another separate seniority district in the offices of the General Passenger Agent, New York, New York, without an agreement between the Carrier and the General Chairman of the Brotherhood.

(b) Claimant C. Lynch should be allowed eight hours pay a day, as a penalty, for September 1, 1953, and all subsequent dates until the violation is corrected. This portion of the claim covers that part of the work which was transferred to the General Passenger Agent's office and assigned to H. Blair.

(c) Claimant E. J. Reardon should be allowed eight hours pay a day as a penalty, for October 1, 1953, and all subsequent dates until the violation is corrected. This portion of the claim covers that part of the work which was transferred to the General Passenger Agent's office and assigned to E. Kurwolski. (Docket 271)"

FINDINGS:

Carrier, by letter dated February 24, 1955, agreed that the time limits set forth in Article V of the National Agreement of August 21, 1954, would be extended to May 1, 1955 in connection with the claims covered by this Docket.

The Organization did not appeal from the Superintendent's denial decision until February 4, 1958 -- almost 3 years later.

The Organization knew of this requirement and was put on notice by Carrier's letter of February 24, 1955. This claim is thus automatically barred.

AWARD:

Claim is barred in accordance with Findings.

SBA 374  
Award No. 9

Signed this 12th day of December 1961.

/s/ Edward A. Lynch  
E. A. Lynch, Chairman

/s/ A. E. Myles  
A. E. Myles, Carrier Member

/s/ A. B. Seward  
A. B. Seward, Employee  
Member