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Award No. 17
Case No. 28

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:

Claim of Ticket Clerk A. G. Thompson for a day's pay at punitive rate at the rate of Assistant Ticket Agent at City Ticket Office, Pittsburgh, for November 16, 1954, account of Assistant Ticket Agent being off and the position filled by a Passenger Representative, an employee outside the scope of the Clerks' Agreement. (CL-257)(107-6379)

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.

Even if the procedure may be rationalized which permits the Ticket Agent at the City Ticket Office, Pittsburgh, Pa., to absorb work of the Assistant City Ticket Agent, in the type of compensated sick leave temporary absence encountered here, the license may not be extended to sanction resort to a passenger representative, an employee outside the coverage of the Clerks' Agreement, to protect the Assistant City Ticket Agent's job during the lunch period. Under Rule 1(e), the relieving of the Assistant City Ticket Agent is preserved to personnel who are subject to the Clerks' Agreement.

On the basis of settlement of claims for February 4, 1955 and March 2, 1955, concerning Reservation Clerk Job at Pittsburgh, City Ticket Office, the appropriate measure of recovery is the pro rata rate.

AWARD: Claim sustained for one pro rated day's pay at the Assistant Ticket Agent rate.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only
Member Thereof.

Pittsburgh, Pennsylvania
May 28, 1957