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Docket No. CL-7710  
Award No. 1

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

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 Rules 2-A-1 (a), 2-A-2, 2-A-5, 3-A-1 (a) and (c) and 5-C-1, when Mrs. Nancy Flynn was hired and used to perform extra clerical work in the Freight Office, Louisville, Kentucky, Southwestern Division, commencing October 19, 1953.

(b) M. G. Schoen, Clerk, Louisville Freight Station, should be allowed eight hours a day, as a penalty, from October 19, 1953, to January 5, 1954, inclusive.  
(Docket W-912)

FINDINGS: Commencing on October 19, 1953, Mrs. Flynn was employed with general clerical duties and worked five days per week until October 31. Thereafter she worked intermittently, averaging three days per week until December 18, from which time she worked five days per week until January 4, 1954 when she resigned from the service.

While her five-day per week employment was due to vacation absences she was not used to fill any specific vacancies nor appointed to a bulletined position, but was employed as an extra clerk. Under Rule 2-A-1 (e) an extra employe may be used only when required by agreement under Rule 5-C-1. No such agreement had been made or extra board established.

In August, Management requested the setting up of an extra board which was declined by the Division Chairman. Each has equal obligation to cooperate and agree as to the use of extra employes but here the Carrier has failed to show that the refusal in the situation before us was arbitrary or had any connection with the situation before us arising two months later.

AWARD: Claim sustained at pro rata rate.

/s/ R. H. Skinner, Jr.  
R. H. Skinner, Jr., Carrier Member

/s/ S. V. W. Loehr  
S. V. W. Loehr, Employe Member

/s/ Mortimer Stone  
Mortimer Stone - Chairman