

Award No. 2519
Docket No. 2258
2-StLSW-CM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when the award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT A. F. of L. (Carmen)

ST. LOUIS-SOUTHWESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That the Carrier has declined to properly compensate Car Inspector J. H. Clements of Pine Bluff, Arkansas for his actual expenses during the filling of a temporary assignment at North Little Rock, Arkansas beginning with April 2nd through the 14th, 1954, under the current agreement.

2. That accordingly the Carrier be ordered to additionally compensate this employe for filling the aforesaid assignment in the amount of:

a) \$2.20 as reimbursement for bus fare to North Little Rock and return to Pine Bluff, Arkansas.

b) \$44.22 as reimbursement for meals and lodging.

EMPLOYEES' STATEMENT OF FACTS: On February 10, 1954, temporary promoted Car Inspector J. H. Clements, and hereinafter referred to as the claimant, was furloughed at his home point, Pine Bluff, Arkansas. Effective April 3, Car Inspector A. L. Gaddy, employed at North Little Rock, Arkansas, was scheduled to begin his annual vacation of ten days. A short time prior to April 3, arrangements were made between the general chairman and Master Mechanic W. A. Brule, Jr. to send claimant to North Little Rock to fill the job; he was notified and reported at that point on the night of April 2, in order to work the first shift of the job which began at 5:00 A. M., April 3. While working this assignment, claimant worked the rest day of April 8, filling job of Car Inspector Fassler who was off duty on that date.

When claimant's relief assignment concluded on April 14, he turned his receipts and itemized expenses in to Relief Foreman Mr. H. W. Wood, who had previously indicated he would fill out Form 3774 for him and turn it in for payment. However, Mr. Wood left a note for claimant advising that it was his understanding that he was to fill the assignment at his own expense, and suggested that he handle the matter with his general chairman. Upon returning to his home point, claimant then filled out the 3774 Form, which General

Agreement to cover this matter with good faith, fully realizing such an agreement was necessary, and pending your acceptance of the proposed agreement, the various General Chairmen have done everything possible to furnish employees to relieve the regular assigned men for vacation, and in some cases have failed."

Unquestionably they recognized that Rule 10 is not applicable to furloughed employees used in relief of regular assigned employees on vacation.

Referee Morse's interpretation of Article 12(a) of the Vacation Agreement does not provide that employees used for vacation relief will receive benefits in excess of those due them for relief provided for other purposes, under provisions of regular relief rules. On basis of past practice of many years and the clear and unambiguous wording of Rule 10, furloughed employees are not eligible for and have not been allowed expenses and/or travel time when used to fill vacancies for any purpose. Consequently, the claimant in this dispute has been properly compensated under the applicable rules of the schedule agreement and the Vacation Agreement of December 17, 1941 and amendments thereto.

It is clear the claim is not supported by the rules or past practice and the carrier respectfully submits that the claim should be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to this dispute were given due notice of hearing thereon.

Disposition of this case is governed by our Award No. 2518. (Docket 2257).

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 21st day of June, 1957.