

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Frank M. Swacker, Referee

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP  
CLERKS, FREIGHT HANDLERS, EXPRESS  
AND STATION EMPLOYEES**

**NORTHERN PACIFIC RAILWAY COMPANY**

**STATEMENT OF CLAIM:** "Claim of S. W. Clement for time and one-half rate for service performed in Seattle yard on Sunday, October 11, 1936."

**JOINT STATEMENT OF FACTS:** "Mr. Clement's seniority did not permit him to occupy a regular assignment and he was being used to perform extra and relief work in Seattle yard. Mr. Thompson, occupying position of yard clerk, had his day of rest on Monday. On Sunday, October 11, 1936, Mr. Thompson laid off and Mr. Clement was used in his place on that day. The work of this position consisted of general yard clerk's work including the checking and carding of trains, checking cars and other work incident to the movement of trains."

**POSITION OF PARTIES:** The positions of the parties in this case are the same as set forth in Docket CL-590, Award No. 596, preceding, and consequently will not be repeated here.

**OPINION OF BOARD:** This case is identical in principle with Docket CL-590, Award No. 596. The only difference in the facts is that in this case the occupant of the continuous operation position was assigned Monday off, but also laid off on his own account on Sunday, and the claimant here, an extra man, fills the position. The fact that the regular incumbent of the position laid off of his own accord and would have been paid straight time only had he worked, had nothing to do with the claimant's situation. He was an extra man and could not be said to be regularly assigned in any sense of those words so as to come within the exception to Rule 69. He plainly is covered by the first half of the rule only. He is therefore entitled to time and one-half for the Sunday in question.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That S. W. Clement was an extra unassigned employe and therefore is entitled to time and one-half for service performed on Sunday, October 11, 1936.

**AWARD**

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 24th day of March, 1938.