

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**
KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier compensate Elizabeth M. Murray for six (6) days, August 1, 1945, to August 6, 1945, inclusive, at the rate of \$6.575 per day.

EMPLOYEES' STATEMENT OF FACTS: Elizabeth M. Murray, as of the dates of the claim, was the regularly assigned incumbent of the position of Assistant Foreman, being in charge of the Carrier's Railroad Mail Room, located in the Union Station, Kansas City, Missouri, under the jurisdiction of the Mail and Baggage Department. The rate of the position \$6.575 per day at the time of the claim; hours of service 4. P. M. to 12 midnight and Tuesday was the assigned rest day.

On Wednesday, August 1, 1945, Mrs. Murray reported for work on her regular assignment, but was informed by the General Foreman that she would not be permitted to work until she had reported to the Terminal Company Surgeon for physical examination, such action having been ordered because two employes under Mrs. Murray's supervision in the Railroad Mail Room had objected to working with her because of fear of the possible contagiousness of a skin ailment from which they had observed or learned Mrs. Murray had been or was suffering from.

Following the instructions of the General Foreman, Mrs. Murray reported immediately to the Company Surgeon at the hospital in the Union Station; was examined by him and informed that she would have to report to the Company's skin specialist for examination and statement of diagnosis before she would be permitted to return to her assignment. The examination and report was made on August 8, 1945, by a physician associated with the Company's skin specialist, and, she was permitted to return to work at 4:00 P. M. on that date.

Detailed facts of the case are submitted in the form of exhibits as follows:

Exhibit 1—Copy of letter by Mrs. Murray, dated August 8, 1945, addressed to General Chairman, requesting claim be filed and delegating power of attorney to handle to a conclusion.

Exhibit 2—Copy of letter by Mrs. Murray, dated August 8, 1945, addressed to General Chairman, being statement of the events which transpired August 1 to August 8, 1945,

Carrier could do but await the report of the skin specialists before allowing Mrs. Murray to return to work.

Particular attention is directed to that portion of the letter quoted in the above Statement of Facts which is underscored by the Carrier. Mrs. Murray had considered it necessary to stay off work for a week with this skin trouble before attempting to return to work, and it was because of the physical appearance of her skin that the fellow workmen were apprehensive of her condition.

It is the Carrier's request that the claim of the Employees be denied.

OPINION OF BOARD: Based upon all the facts and circumstances of this particular case, the claim should be sustained for four (4) days, August 3 to 6, 1945, both days inclusive.

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 employes involved in this dispute are respectively carrier and employes 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 the claim will be sustained in accordance with the Opinion.

AWARD

Claim sustained to extent indicated in Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary.

Dated at Chicago, Illinois, this 17th day of April, 1946.