

Award No. 3350
Docket No. CL-3341

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Ernest M. Tipton, Referee

PARTIES TO DISPUTE:

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

LEHIGH VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Clerks' Agreement:

1. When it failed and refused to compensate employees for time lost account of death in family—as provided in Rule 56 (b) of current agreement and Memorandum Agreement effective March 16, 1945.

2. When it arbitrarily charged four (4) days' loss of time against vacation assignment of Miss Lillian K. Henderson, Clerk in the Auditor of Revenues Office, Philadelphia, Pa.

3. That the Carrier shall be required to apply the provisions of Rule 56 (b) of the current agreement and Memorandum Agreement effective March 16, 1945, as applied prior to April 1, 1945.

4. That Carrier be required to compensate employee Miss Lillian K. Henderson, Clerk, Auditor of Revenues Office, Philadelphia, Pa., for time lost June 13, 14, 15 and 16, 1945, account of death of her Mother, due to Carrier's arbitrary action.

EMPLOYEES' STATEMENT OF FACTS: "A revised working agreement between the parties, was effected March 1, 1939, Rule 56 (b) reading:

"SICK LEAVE—RULE 56 (b): A limited amount of sick leave without loss of pay may be granted monthly rated employees, subject to approval of officer in charge of seniority district. Time absent account of sickness or other good cause will not be charged to vacation allowances." (Underscoring ours.)

Effective June 1, 1940, President Williams issued the following instructions:

LEHIGH VALLEY RAILROAD COMPANY

GENERAL ORDER NO. 4

"New York, May 23, 1940.

ALL CONCERNED:

Effective June 1st, 1940, payment for time lost on account of sickness or other causes will be made only upon authority of the President.

of the current agreement in this case, and did not violate the provisions of that rule in granting the request of the claimant for the vacation period involved.

In the light of the foregoing facts and circumstances set forth in this submission, it is the contention of the Carrier that the claim of the Employees should be denied.

OPINION OF BOARD: The issues in this claim are identical with Award No. 3347, Docket No. CL-3337, and for the reasons stated in that Award the claim is denied.

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 Employees involved in this dispute are respectively carrier and employees 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 Carrier has not violated the Agreement as contended.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 6th day of December, 1946.