

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

William M. Leiserson, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
BOSTON AND MAINE RAILROAD**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

(1) That the Carrier violated the effective agreement when it compensated Trackman Seaver Milliken at the straight time rate of pay instead of the time and one-half rate of pay for eight (8) hours' service rendered on Saturday, July 15, 1950;

(2) That Trackman Seaver Milliken be paid the difference between what he did receive at his straight time rate of pay and what he should have received at his time and one-half rate of pay for services performed on Saturday, July 15, 1950.

EMPLOYEES' STATEMENT OF FACTS: Trackman Seaver Milliken held a regular assignment as such in Foreman B. U. Woodward's extra crew with headquarters at Plymouth, New Hampshire.

His regular assigned work week was Monday through Friday with rest days regularly designated as Saturdays and Sundays.

The patrol crew on the P V Branch had a regular assigned work week of Tuesday through Saturday, with rest days of Sundays and Mondays.

Foreman C. P. Kelly of the Patrol crew was assigned a paid vacation from Tuesday, July 11, through Saturday, July 22, 1950.

Trackman Milliken rendered service on his regular assignment on Monday, July 10, 1950. Trackman Milliken was instructed by his superior to temporarily fill in as Foreman during the period Patrol Foreman Kelly was on vacation, beginning on Tuesday, July 11, 1950.

Mr. Milliken was paid at the straight time rate of pay for Saturday, July 15, 1950.

Claim was filed for the difference between pro rata rate and time and one-half rate for service rendered on July 15, 1950.

Claim was declined as well as all subsequent appeals.

POSITION OF CARRIER: This is a companion case to the dispute involving Trackman Roland Proulx. Carrier's position in this docket is identical with its position in the Proulx dispute. Copy of said position is attached hereto and made a part hereof. The claim in this docket should be denied. (See Award 6504.)

All factual data and argument used herein has been brought to the attention of Petitioner.

(Exhibits not reproduced.)

OPINION OF BOARD: The parties agree that the facts and the agreement rules involved in this case are the same as in Award 6504. The decision in that case is therefore equally applicable here.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the 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

The Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 16th day of February, 1954.

DISSENT TO AWARD 6505, DOCKET MW-6534

This is a companion case to Docket MW-6533, Award 6504: same parties, same facts, rules, and circumstances.

For the reasons set forth in our dissent to Award 6504, Docket MW-6533, we likewise dissent to this Award.

/s/ C. P. Dugan

/s/ W. H. Castle

/s/ R. M. Butler

/s/ J. E. Kemp

/s/ E. T. Horsley