

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

CRAIN CAR COOPERS LOCAL 1286-S-1
INTERNATIONAL BROTHERHOOD OF LONGSHOREMEN
EASTERN WEIGHING AND INSPECTION BUREAU
COOPERAGE AND RECLAMATON SERVICE DEPARTMENT

STATEMENT OF CLAIM: Claiming one day's pay for February 22nd, 1958, a holiday and Saturday, for thirty-three employees of the Company.

W. Bednaz	R. Imiola	C. Nasper	G. Stock
H. Berwalt	H. Lembicz	S. Nowatka	T. Stumpf
J. Ciambor	S. Malewski	L. Nowatka	B. Szast
J. Coulter	S. Mazur, Sr.	J. Owezarczak	J. Sczechowski
J. Cullinan	S. Mazur, Jr.	J. Price	F. Wasielewski
L. Owiklinski	A. Messing	O. Rapsaid	J. Weiss
J. Downs	C. Miller	P. Simko	J. Woods
F. Falkowski	V. Mozdziak	S. Sokolowski	D. Yantomasi
F. Imiola			

OPINION OF BOARD: The facts in this case are not in dispute.

The Petitioner admits that the work week starts on Monday but contends that it runs through Sunday—by “custom of the Company.” Consequently, they hold that the holiday, Saturday, February 22, 1958, Washington’s Birthday, was a work day of the work week and that the thirty-three named claimants should therefore be paid a day’s pay of eight hours at the pro-rata hourly rate for the holiday under Rule 4 (b) of the Agreement as amended, effective May 1, 1954.

The Respondent says that all work weeks are Monday through Friday, with Saturday and Sunday as rest days.

Rule 1 (b) defines a work week, as follows:

“The work week shall be 40 hours, consisting of 5 days of 8 hours each, with two days off in each 7; * * * so far as practicable the days off shall be Saturday and Sunday * * *.”

The Petitioner here has failed to prove that Saturday, February 22, 1958, fell "on a work day of the work week" for the named claimants as the term "work week" is defined in Rule 1 (b); consequently this claim fails for lack of proof and must be denied.

FINDINGS: The Third Division of the Adjustment Board upon the whole record and all the evidence, finds and holds;

That the parties waived hearing on this dispute; and

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July, 1959.