

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Frank J. Dugan, Referee

PARTIES TO DISPUTE:

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

THE TEXAS AND PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that Carrier allow Station Accountant J. M. Davis and Assistant Cashier S. G. Boyd, Dallas, Texas, the wage of their respective positions for November 7, 8 and 9, 1956, while they were attending the annual meeting of Forty Year Veteran Employees sponsored by the Carrier at New Orleans, Louisiana.

EMPLOYES' STATEMENT OF FACTS: (1) On November 7, 8 and 9, 1956 Carrier arranged and sponsored an excursion trip to New Orleans, Louisiana for active and retired employees with 40 years or more of service. See Employees' Exhibits 7-A and 7-B.

(2) It is the common knowledge of and well known to all clerical employees that the Carrier for the past nine years has permitted the claimants, Mr. Davis and Mr. Boyd, and other clerical employees to enjoy such excursion trips without any deduction in pay when absent from their regularly assigned positions. Other clerical employees were allowed their daily rate of their positions in this instance.

(3) Claimant S. G. Boyd participated in each annual 40 year veteran trip from 1948 through 1956 without deduction being made from his earnings except the year 1956 for the days in question.

(4) Claimant J. M. Davis also participated in said trips in 1950, 1953 through 1956 without deduction from his wages, except 1956 for the days in question.

On January 3, 1957 claimants S. G. Boyd and J. M. Davis filed claims with Agent W. R. Carr for November 7, 8 and 9, 1956 account they had been paid on other trips and understood that they were going to be paid for the days of this trip as other clerks who made this trip were paid on the 40 year veterans club trip to New Orleans, Louisiana (See Employees' Exhibits Nos.

If the Brotherhood will not withdraw it, then the Carrier respectfully requests the Board to dismiss or deny it.

All known relevant argumentative facts and documentary evidence are included herein. All data presented in support of Carrier's position has been presented to the employees or duly authorized representative thereof and made a part of the particular question in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: The issue here presented is whether the Claimants are entitled to wages for their respective positions while they were attending the annual meeting of Forty Year Veteran Employees sponsored by the Carrier at New Orleans, Louisiana.

In the absence of any contractual provision relied upon by the Organization in this particular dispute, 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 Agreement was not violated.

AWARD

The Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1962.