

Award No. 14435
Docket No. TE-14097

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

G. Dan Rambo, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Erie-Lackawanna Railroad (Erie District), that:

1. Carrier violated Telegraphers' Agreement when it used an employe not covered under the scope of The Order of Railroad Telegraphers to cover the vacation assignment of G. A. Littell, regular occupant of agents position at Campbell and Savonna, July 17 through July 21, 1961.

2. Carrier shall compensate Mr. G. A. Littell for 8 hours at one and one-half times the regular rate for each day (July 17 through 21, 1961) of such violations.

EMPLOYEES' STATEMENT OF FACTS: During the claim period covered in this dispute, Mr. G. A. Littell (Claimant), occupied a position at Campbell-Savonna, New York, classified as Agent-Operator-Block Operator. Said position, in the five day category, worked Monday through Friday, with Saturday and Sunday rest days. The daily assigned work locations and hours are given below:

Location	Hours
Savona	8:00 A. M. to 12:00 Noon
Campbell	1:00 P. M. to 5:00 P. M.

In the year 1961, Mr. Littell was scheduled for a week's vacation from Monday, June 26 through Friday, June 30; and another week's vacation from Monday, July 17 through Friday, July 21.

No extra men were available for assignment to Mr. Littell's position for the stated vacation periods. Carrier, nevertheless, granted him his vacation periods and in so doing assigned a Clerk, Mr. D. K. Mosher, thereto.

As evidenced by Petitioner's claim to this Board, it is recognized and agreed that claim for June 26 through June 30, 1961 was outlawed under the time limit on claims rule and that the claim to this Board is limited to the period of July 17 through July 21, 1961.

OPINION OF BOARD: This matter comes before this Board as companion to case Docket Number TE-11279 (Award 14432). The facts are identical thereto and the result must be the same.

The Agreement was violated and the claim is sustained at the pro rata rate.

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

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 violated.

AWARD

Claim is sustained at the pro rata rate.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of May 1966.