

Award No. 15362  
Docket No. CL-15861

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Edward A. Lynch, Referee

**PARTIES TO DISPUTE:**

**ILLINOIS CENTRAL RAILROAD COMPANY**

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

**STATEMENT OF CLAIM:** Are the following claimants entitled to two days' pay at the overtime rate for working on holidays falling on their rest days?

| Claimant  | Claim Date   |
|---|--------------|
| Odis Martin, Clarence Brown, James Blanton, Oliver Sims, T. S. Green, E. Fleming, S. H. McCollins, S. Spain   | May 30, 1964 |
| J. M. Manion, J. G. Johnson, W. K. McCracken  | May 30, 1964 |
| J. M. Manion, E. L. Smith, J. G. Johnson, D. C. Armstrong, D. M. Scherrer, J. D. Herold   | July 4, 1964 |
| M. E. Chambers  | May 30, 1964 |
| Gene Cox  | May 30, 1964 |
| J. E. Parker  | May 30, 1964 |
| J. W. Cheniae   | July 4, 1964 |
| I. E. Johnson   | July 4, 1964 |
| C. Seeliger, J. Gorchies  | May 30, 1964 |
| Joseph Young, Terenzio Spizzo, John Azara, Joseph Grippando, William French, James Simpson, David Swedberg, William Potts, Elijah Sercye, Clarence Sutton, Alonzo Williams, William Jackson, John Conley, Deasmer Douglas, Horace Shelton, M. D. Garrett, L. V. Hambrick, Joseph Harkness, Will Cloud, Eddie Winchester, Clifton Thames, Eddie Griffin, Robert Batiest, Lorenzo Morrow, Noah Hunter, Willie Ford, Richard Snipes, Litiby McCune, James Richardson, Therron Davis, James Davis, Frank Rubido, Balente Padilla, Wesley Brooks, Albert Martinez, Manzie Harston, O. C. Adams, Jr., Osben Lyons, Matthew Gillen, Isaak Beck | May 30, 1964 |

|  |               |
|--|---------------|
| H. C. Ridenhour  | May 30, 1964  |
|  | July 4, 1964  |
| J. Blanton, C. Brown, O. Sims  | July 4, 1964  |
| R. J. LaVeille, W. H. Stirn, L. C. Kelley, W. J. LaVeille, J. Normberger, G. Vandevyvere | May 30, 1964  |
| S. Howard, F. W. McGinnis, L. C. Kelley, E. Peterson, G. Vandevyvere                     | July 4, 1964  |
| R. M. Hardy, M. W. Abbott, R. Hill, N. G. Nuckolls                                       | July 4, 1964  |
| E. E. Kramer   | Sept. 7, 1964 |
| E. E. Huffman  | Sept. 7, 1964 |
| Burt Hester  | Sept. 7, 1964 |
| J. M. Griffin  | Sept. 7, 1964 |
| R. H. Dupuy  | July 4, 1964  |
| J. Griffin   | July 4, 1964  |
| Ward Freets, C. H. Place   | Sept. 7, 1964 |
| T. H. Smoot  | Nov. 26, 1964 |
| R. T. Russell  | Dec. 25, 1964 |
| E. M. Pegues   | Nov. 26, 1964 |
| L. J. Edwards  | Jan. 1, 1965  |
| D. Bennett, L. D. Robinson, E. E. Burg   | Nov. 26, 1964 |
| Frank Morrell, Robert Peters, R. J. LaVeille   | Nov. 26, 1964 |
| L. T. LaPlante   | Jan. 1, 1965  |
| J. S. Moss   | Feb. 22, 1965 |

**CARRIER'S STATEMENT OF FACTS:** For the last forty years, clerks who have worked on holidays falling on their rest days have been paid one day at the overtime rates. Then, in 1964, the union heard that the Adjustment Board had sustained claims for an additional day at the overtime rate. The time was ripe, the union decided, to seek the same pay for Illinois Central clerks. The union began to flood the company with claims for a second overtime day for employees who work holidays falling on their rest days. The company pointed out the parties have been in agreement for forty years that clerks are entitled to only one overtime day instead of two, but the company could not persuade the union to withdraw the claims. The union insisted the Adjustment Board awards nullified this agreement. Pertinent correspondence is attached as Management's Exhibit A.

(Exhibits not reproduced.)

**EMPLOYEES' STATEMENT OF FACTS:** The Agreements between the parties are on file with the Board and by this reference thereto are made a part hereof.

(Exhibits not reproduced.)

**OPINION OF BOARD:** We are here concerned with a claim filed by this Carrier, which reads as follows:

"Are the following claimants entitled to two days' pay at the overtime rate for working on holidays falling on their rest days?"

We have already disposed of the issue involved here by our Award No. 15361.

For the reasons there cited, the Carrier is required to pay the Claimants named in this docket two days' pay at the rate of time and one-half for working on holidays falling on their rest days.

**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**

Petitioner's question is answered in the affirmative, and Claimants should be compensated in accord with Opinion.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of THIRD DIVISION

**ATTEST:** S. H. Schulty  
Executive Secretary

**Dated at Chicago, Illinois, this 17th day of February 1967.**

#### **CARRIER MEMBERS' DISSENT TO AWARD 15362, Docket CL-15861 (Referee Lynch)**

For the reasons stated in our Dissent to Award 15361, we consider this Award invalid, and vigorously dissent.

G. L. Naylor  
R. E. Black  
T. F. Strunck  
P. C. Carter  
G. C. White

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.