



Award No. 17174

Docket No. CL-17133

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6254) that:

(a) Carrier violated the Clerks' Agreement when it failed to properly compensate the following employees for work performed on their rest days, which were also holidays:

CLAIMANT	CLAIM DATE
F. A. Collins, H. J. Duncan, W. A. Moses, N. E. Marovich, K. J. Reaman	February 22, 1965
F. A. Collins, Frederick Towal, A. McMullen, L. C. Kelley, J. Dahlman	May 31, 1965
E. E. Kramer, L. C. Kelley, R. Norberg, K. H. Bradley, W. L. Baker	July 5, 1965
A. McMullen, Joan Taylor, J. J. Fay, R. W. Moritz	September 6, 1965
F. Morrell, G. Moeller, T. Triumph (worked two shifts), J. A. Sterling	November 25, 1965
F. W. McGinnis, K. Christianson, Jos. Martello, B. M. Gueffier, L. C. Acree, H. C. Ridenhour, M. C. Wilson, Jr., J. G. Johnson	December 25, 1965
M. D. Wilson, Jr., J. J. Murphy, L. T. LaPlante, H. C. Ridenhour, E. Putnam G. Krueger, W. Schroeder, H. Duncan, J. H. Wright, J. E. Courson	January 1, 1966
R. A. Green, J. Kalinowski, J. D. Johnson	February 22, 1966
W. L. Baker, Joseph Kelley, L. N. Dye, J. T. Hutton, A. McMullen, W. H. Stern, G. Best	May 30, 1966
L. Lazuka, H. A. Rantz, G. Best, F. D. Baumer, C. L. Roberts, J. P. Hale, N. F. Johnson, E. D. Poncet, Joseph Kelley	July 4, 1966
F. D. Baumer	September 5, 1966

3. that under the rules of contract interpretation followed by the Board, there can be no justification for this overtime on overtime claim.

CARRIER'S STATEMENT OF FACTS: On each of the claim dates cited by the union, the claimants named were used to perform work. By "accident of the calendar," each of these days happened to be a scheduled rest day for the employee as well as a legal holiday. In each case, the employee was paid one overtime day.

The union filed a claim in each case for an additional overtime day. They argued that two separate penalty provisions applied to the same employment activity so the company should be penalized twice. The claims were, of course, declined by the company, appealed and discussed in conference, and ultimately submitted before the Board.

The agreements which are pertinent to this dispute are by this reference made a part of the record.

OPINION OF BOARD: This is a so-called holiday-rest day case.

On the dates set out in the claim, the employees were required to work. These dates were simultaneously rest days and holidays for each of the Claimants. However, for working on such dates, each respective Claimant was only paid for eight hours at the time and one-half rate of his position.

The claim before us is for each of these Claimants to be awarded an additional payment of eight hours at the time and one-half rate.

The issues involved in this dispute are the same as those involved in a long line of recent awards of this Board, such as Award Nos. 15985, 15800, 15754, 15660, 15553, 15531, 15450, 16291 and also Awards Nos. 15361, 15362 (Lynch) and 16361 (Devine) involving these same parties and the same Agreement.

Accordingly, the instant claim will be sustained.

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 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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1969.

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