

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19634
Docket **Number** CL-19416

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks
(Freight Handlers, Express and **Station Employees**
(
(The Chesapeake and Ohio Railway Company
((Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (**CL-6968**)
that:

(a) The Carrier violated the Agreement when it failed to pay Claimant E. S. **Haye** one day **at prorata** rate of Store Helper Position C-60, \$25.17, for December 29, 1969.

(b) The Carrier shall **now** compensate Claimant E. S. **Haye** as requested.

OPINION OF BOARD: Claimant E. S. **Haye** is a cut-off employee **who** is protecting **temporary** vacancies at Huntington, Peach Creek and Handley, West Virginia.

On December **29**, 1969 he was unable to work a temporary vacancy **at** Huntington Stores because he was ill.

He filed for sick pay under Rule 60 and his claim **was** denied.

The question at issue is whether cut-off employees are entitled to sick pay benefits under **Rule** 60 or whether the Rule protects only regularly assigned employees.

The Board dealt with the same question involving the same Carrier and the same Organization in two previous awards, Awards 19483 and 19633, and, in each case, the Board held that employees other than regularly assigned employees may receive sick pay under Rule 60.

These two prior awards are dispositive of the instant case and the claim is 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: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 27th day Of February 1973.