

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19705
Docket Number CL-19754

Frederick R. Blackwell, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station **Employees**

PARTIES TO DISPUTE: (
(Delaware and Hudson Railway Company

STATEMENT OF CLAIM: Claim of the **System** Committee of the Brotherhood (CL-7127)
that:

1. Carrier violated the Agreement when on December 24, 1970 it abolished Clerks' positions one working day, Thursday, December 24, 1970, and that,

2. Machine Operator-Yard Clerk, W. I. **Hassett** and Yard Clerk **H. B.** Chaplin be compensated at pro-rata rate of their monthly rated positions for December 24, 1970 and each day thereafter until violations are corrected.

OPINION OF BOARD: Claimant **Hassett** was regularly assigned to the position of Yard Clerk **#10**, hours 11 pm to 7 am, with rest days of Tuesday and Wednesday. Claimant Chaplin was assigned to the position of Yard Clerk **#15**, same hours, with rest days of Sunday and Monday.

On December 22, 1970, a notice of same date was posted at **8:30** am which read as follows:

"All Concerned:

All Clerks positions working **11:00** P.M. to **7:00** A.M., December 24, 1970 and all Clerks positions working 7:00 A.M. to 3:00 P.M., 8:00 A.M. to 4:00 P.M. and **10:00** A.M. to 6:00 P.M. December 25, 1970 will be abolished for one day."

Because of the above abolishment of their positions on December 24, neither claimant worked his regular position on that date. They claim straight time for the day not worked.

The Board's prior Awards make it clear that the Carrier can blank positions on a holiday without wage liability to the incumbents of the positions. Awards 7134, 7136, 7294 (all Carter), 8563 (Weston), 14597 (Ives), and 15568 (Hall). However, the Christmas holiday fell on Friday, December 25, whereas the positions herein were blanked the day before on Thursday, December 24. Accordingly, we shall sustain the claims.

Award ~~Number~~ 19705
Docket ~~Number~~ CL-19754

Psge 2

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 WA R D

Claims sustained to the extent of one day straight time pay to each claimant.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1973.