

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **21454**
Docket Number CL-21480

David C. **Randles**, Referee

(Brotherhood of Railway, Airline and
(Steamship **Clerks**, **Freight** Handlers,
(Express and Station **Employes**
PARTIES TO DISPUTE: (
(**Burlington** Northern Inc.

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood,
GL-8056, that:

1. Carrier violated the-Schedule **Agreement** when it failed to properly compensate Telegrapher L. **M.** Lee, Portland, Oregon, time and one-half for working the sixth day of her work week November 30, **1974**.

2. Carrier shall now compensate Mrs. L. M. Lee eight hours at the time **and** one-half rate less the straight time already paid for November 30, **1974**.

OPINION OF BOARD: **Claimant**, an extra **employee**, was assigned to work the position of telegrapher, hours **1:00** p.m. to **g:00** p.m., commencing Monday, November **25, 1974**, and continuing through Friday, **November 29, 1974**. Claimant fulfilled the **requirements** of the assignment by working Monday, Tuesday, and Wednesday, observing the **Thanksgiving** Day holiday on Thursday for which she was paid eight (8) pro rata hours, and then working Friday. She was therefore entitled to the rest days of the **assignment**, i.e., Saturday and **Sunday**.

Carrier then assigned **Claimant** to work another position on each of the rest days of the telegrapher assignment she had filled Monday through Friday, but paid her eight (8) hours at only the **straight-time** rate for Saturday, the first rest day.

Since early Award **6970** of this Division, interpreting rules similar to those involved herein, it has generally been decided that extra **employees** assigned to a vacancy assume all of the conditions of the position they are filling, including the rest days thereof. Third Division Award **15442** specifically stated the intent of the "holiday pay" agreement **in** a case identical to that which is here involved.

We will follow those awards and sustain the **claim**.

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 18th day of March 1977.

