

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22568
Docket Number CL-22562

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (**Brotherhood of Railway, Airline and**
(**Steamship Clerks, Freight Handlers,**
(**Express and Station Employees**
(**Western Fruit Express Company**

STATEMENT OF CLAIM: Claim of the **System Committee** of the Brotherhood
GL-8572, that:

1. **Carrier violated the Clerks' Working Agreement** when it failed to properly compensate Mr. E. C. **Ellis**, Relief Foreman, Whitefish, Montana for service performed on the holiday of December 25, **1976.**

2. **Carrier shall now** be required to compensate Mr. E.C. Ellis **an additional eight (8) hours** at the time and one-half rate for **working the Christmas Eve holiday** on December 25, **1976.**

OPINION OF BOARD: **Claimant seeks** an additional eight (8) hours at time and one-half for working the Christmas Eve **Day Holiday.**

Rule **31 provides** a time and one-half payment for work performed on a holiday, but Claimant argues that the **manner** in which the holidays in question occurred required **additional payment.**

Unquestionably, this claim is clouded **by the** fact that the **Claimant "...experienced a double holiday** on Saturday, Christmas Day."

While Claimant's contentions have an appeal, **in** order to sustain this claim, it would be **necessary** for us to disregard that portion of the **July 15, 1971 Agreement** which states:

"Under no **circumstances will an employee** be allowed, in addition to his **holiday** pay, **more** than one time and one-half payment for service performed **by** him on a **holiday** which is also a work day, a rest **day, and/or** a vacation day."

The cited provision is clear **and** it disposes of this 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST : *A. W. Pauls*
Executive Secretary

Dated at Chicago, **Illinois**, this **16th** day of October **1979**.