

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25395
Docket Number CL-24929

Rodney E. **Dennis**, Referee

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

PARTIES TO DISPUTE: (

(Maine Central Railroad Company
(Portland Terminal Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (**GL-9685**) that:

1. Carrier violated the Agreement between the Parties, November 27, 1980, (Thanksgiving - Holiday) when it required another employee to work and perform claimant's regular assigned duties on said date.

2. Carrier shall compensate E. T. **Bolduc**, Crew Dispatcher, 7 AM - 3 PM, **Rigby**, Maine. four (**4**) hours at punitive rate of pay, November 27, 1980, (Holiday) account calling of two (**2**) trainmen on said date and issuing of radios, was performed by another employee and/or employees between the hour of 7 AM to 11 AM.

OPINION OF BOARD: Claimant E. T. **Bolduc** is the regularly assigned Crew Dispatcher, 7:00 A.M. to 3:00 P.M., in **Rigby**, Maine. On Thanksgiving Day in 1980, he was instructed to report to work at **11:00** A.M. Prior to **11:00** A.M., it became necessary to call two Trainmen **and** issue a radio to them. A Clerk on duty at the time made the calls and issued the radio. Organization contends that Claimant should have been allowed to work a full day on Thanksgiving and that he should have earned eight hours' pay at the punitive rate and not just four. Claimant's job is to call crews and he should have been allowed to do it.

Carrier takes the position that it need only work **employees** on holidays who are absolutely necessary to take care of business. It decided that Claimant was only needed for four hours on **Thanksgiving**, instead of eight. Carrier relies on Rule 20, Holiday, to support its position. That Rule reads as follows:

"REGULARLY ASSIGNED EMPLOYEES

(a) Only such **Employees** as are in the judgment the Management, absolutely necessary to take care of current business shall be required to work on the following holidays: January 1, February 22, April 19, May 30, July 4, Labor Day, Armistice Day, Thanksgiving Day and December 25. (When any of the above holidays fall on Sunday the day specified by the State, Nation or Proclamation shall be considered the **holiday**.)"

This Board has reviewed the record of this case and must conclude that Carrier has a right to rely on the above-quoted Rule and that, in fact, Claimant was not needed a full day on Thanksgiving. A fellow Clerk was used to call two Trainmen. We find no Rule support to justify four hours penalty pay at the **time-** and-one-half rate because of this.

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:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.