

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
SOUTHERN RAILWAY COMPANY

DISPUTE.—"Claim of clerks Ellis, McGhee, and Watts, Ensley, Alabama, for pay on account of not being called to perform service on Memorial Day, April 26, 1934."

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds 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.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

An agreement bearing effective date of September 1, 1926, exists between the parties, from which agreement the complainant party cites and relies upon Rule 14, to wit:

"In making overtime before or after assigned hours, employees regularly assigned to class of work for which overtime is necessary shall be given preference.

"In making extra time on Sundays or Holidays, the above principle shall apply."

The following statement of facts is jointly certified by the parties, and the Third Division so finds:

"The local freight agency at Ensley, Alabama, was open for the transaction of business on April 26, 1934—Memorial Day. Clerks Ellis, McGhee, and Watts were not called for service and all work performed on that day was performed by the agent."

It is found that sufficient clerical work was performed on Memorial Day, April 26, 1934, to warrant the use of clerical help.

AWARD

Based upon the facts in this particular case, one clerk, whom the employees shall decide should have been used, shall be allowed eight hours' compensation at the pro rata rate.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 27th day of June 1935.