

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Ernest M. Tipton, Referee

PARTIES TO DISPUTE:

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

LEHIGH VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Clerks' Agreement:

1. When in April 1945, it issued instructions that requests for sick allowance should be accompanied by a Doctor's certificate of disability covering the period for which the sick allowance is requested.
2. The Carrier violated the provisions of Rules 56 (b), 78 and 82, when it issued such instructions without conference or notice to the Committee.
3. The Carrier shall be required to apply the provisions of Rule 56 (b) as the rule was applied prior to April 1, 1945.
4. The Carrier shall be required to compensate Mr. Robert Wurst, Pier 38, New York City, for wage loss suffered May 5 and 7, 1945, account of personal illness and the arbitrary cancellation of Rule 56 (b).

EMPLOYEES' STATEMENT OF FACTS: "A revised working agreement was effected March 1, 1939 between the Carrier and Brotherhood of Railway Clerks; Rule 56 (b) reading:

"Sick Leave. (b) A limited amount of sick leave without loss of pay may be granted monthly rated employees, subject to approval of the officer in charge of seniority district. Time absent account of sickness or other good cause will not be charged to vacation allowances."

Effective June 1, 1940, President Williams issued the following instructions:

LEHIGH VALLEY RAILROAD COMPANY

General Order No. 4

ALL CONCERNED:

"New York, May 23, 1940.

Effective June 1st, 1940 payment for time lost on account of sickness or other causes will be made only upon authority of the President.

A separate request for authority should be made on Form 37-A for each employee. All information called for by the form must be shown.

The employe in this claim failed to comply with the instructions in effect in not furnishing a doctor's certificate with the sick claim and, therefore, the claim could not be allowed.

In the light of the foregoing facts and circumstances set forth in this submission, it is the contention of the Carrier that the claim of the Employes should be denied.

OPINION OF BOARD: The issues in this claim are identical with Award No. 3332, Docket No. 3334, and for the reason stated in the Opinion of that Award the claim is sustained.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds;

That the Carrier and the Employes involved in this dispute are respectively carrier and employes 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 Carrier violated the current agreement as contended by the Petitioner.

AWARD

Claim (1, 2, 3, and 4,) sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. H. Johnson
Secretary

Dated at Chicago, Illinois, this 22nd day of November, 1946.