

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

H. Nathan Swaim, Referee.

PARTIES TO DISPUTE:

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

NORTHERN PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

(1) That the Carrier violated the Clerks' Agreement when on Thanksgiving Day, November 28, 1946, it reduced the assignment of Mrs. Myrtle Mason by blanking her position on that day.

(2) That Carrier be required to compensate Mrs. Myrtle Mason for one additional day at time and one-half rate for Thanksgiving Day, November 28, 1946 and all subsequent holidays on which her assignment was cancelled.

EMPLOYEES' STATEMENT OF FACTS: Thanksgiving Day, November 28, 1946, was a legal holiday as specified in Rule 33 of the current Clerks' Agreement. The telephone office at Duluth, Minnesota is operated continuously twenty-four hours a day every day of the year. The Carrier maintains and has maintained for years day and night positions of telephone operators. The employee involved in this claim is a telephone operator who is paid the rate of \$6.89 per day.

On Thanksgiving Day, November 28, 1946, the position of Mrs. Myrtle D. Mason, whose regularly assigned hours are from 9:00 A. M. to 5:00 P. M., Saturday through Thursday, inclusive, with Friday the assigned day of rest, was blanked and no one worked her position due to lack of even multiples of six positions. Telephone operators at Duluth, Minnesota are relieved on their rest days by extra unassigned telephone operators in order to meet the requirements of the exception in Rule 33. The regularly assigned incumbent of this position was paid at pro rata rate for Sunday service in accordance with the exception contained in Rule 33.

Claim was duly filed by Mrs. Myrtle D. Mason for payment of eight hours at time and one-half rate on Thanksgiving Day, November 28th, 1946 when her regularly assigned position was blanked as herein stipulated.

CARRIER'S STATEMENT OF FACTS: Mrs. Myrtle D. Mason is regularly assigned as a telephone operator at Duluth with hours of assignment from 9:00 A. M. to 5:00 P. M., with Friday as her assigned rest day. On Fridays, Mrs. Mason's regular assigned rest day, service on her position is performed by a relief telephone operator.

On Thanksgiving Day, November 28, 1946, Mrs. Mason performed no service on her position.

For the reasons hereinabove stated, the Carrier respectfully submits that the claim covered by this docket should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This case involves the same rules of the same Agreement and the same parties as the case presented in Docket CL-3812 on which we have this day rendered Award No. 3891.

This case likewise presents the same question of the right of the Carrier to blank a position necessary to the continuous operation of the Carrier. The arguments and contentions of the parties are, for all practical purposes, the same. For the reasons assigned in our opinion in that Award the claim here must be 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 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 Carrier violated the Agreement as claimed.

AWARD

Claims (1) and (2) sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 30th day of April, 1948.