

Award No. 8056
Docket No. TE-7827

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul N. Guthrie—Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atchison, Topeka & Santa Fe Railway System; that

1. The Carrier violated the Agreement between the parties when it failed and refused to allow employees covered thereby pay for holidays; and
2. The Carrier shall now be required to compensate claimants named herein for 8 hours at the pro rata rate of the positions they occupied on the holidays specified:

K. E. Simmons—May 31 and July 5, 1954
S. M. James —July 5 and September 6, 1954
Robert Kuznia —July 5, 1954
E. D. Smith —July 5, 1954
E. R. Grothe —September 6, 1954
R. L. Barthel —December 25, 1954 and January 1, 1955
L. L. Griswold—February 22, 1955

EMPLOYEES' STATEMENT OF FACTS: Agreements between the parties bearing effective dates of June 1, 1951 and August 21, 1954 are in evidence.

The dispute herein set forth has been handled on the property in the usual manner to the highest officer designated by the Carrier to handle such disputes in accordance with the Railway Labor Act, as amended and the current Agreement. The Carrier has refused to adjust the dispute on the property. This Division of the National Railroad Adjustment Board has jurisdiction of the parties and the subject matter, as provided in the Railway Labor Act, as amended.

The question at issue is whether an employe regularly assigned to the extra list for the purpose of performing relief work on regularly assigned positions resulting from the absence of the title holders of said positions is entitled to payment for holidays under the terms of the effective agreements.

is furthermore a clear attempt to obtain by an award of the National Railroad Adjustment Board a payment which the Emergency Board rejected. The claim should be denied in its entirety.

All that is contained herein is either known or available to the Employees or their representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: This case involves claims on behalf of seven named Claimants for holiday pay for certain designated holidays. These Claimants were all extra employees, each of whom, under varying circumstances, filled temporary vacancies on regularly assigned positions during the respective periods in which the named holidays occurred.

The essential issue here is whether or not these Claimants were, during the respective periods involved, "regularly assigned" employees within the meaning of that term as used in Article II, Section 1 of the National Agreement of August 21, 1954. Therefore, for all essential purposes this is the same issue as that decided in Docket TE-7717 on which Award 8053 was made.

As in that Award, Third Division Awards 7430, 7431, 7432, 7978, 7979, 7980 and 7982, are controlling. See also Second Division Awards 2052, 2169 and 2297, among others.

Here as in the cited Awards Claimants were not regularly assigned employees as required by Article II, Section 1 of the cited National Agreement. Hence, they did not meet the conditions which would entitle them to holiday pay.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of August, 1957.