

Award No. 9167

Docket No. CL-10903

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

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

(a) The practice of the Carrier of affording sick leave payments to employes holding positions of Assistant General Foremen, Mail and Baggage Department, for many years constituted and established contractual rights that could only be removed by compliance with the provisions of the Railway Labor Act, and;

(b) The Carrier violated the practice, the Agreement and the Railway Labor Act when on or about June 9, 1956, the Carrier by unilateral action discontinued the practice of affording sick leave pay to Assistant General Foremen, and;

(c) The Carrier pay claims filed for and in behalf of the following Assistant General Foremen for the dates given, being dates they were not on duty account of reported illness:

G. G. Golden, June 9 and 10, 1956

J. H. Ammerman, August 6, 1956

R. E. Stephens, October 15, 1957 (Four Hours)

Ralph E. Stephens, October 8, 1957

John Ellis, November 21, 24, 25, 1957

Frank R. Beck, September 1, 6, 7, 8, 9, 10, 13, 1957

Frank R. Beck, November 29, 1957

at the rate of the position as of the dates given for eight hours except in the case of R. E. Stephens for October 15, 1957, which claim is for four hours.

FINDINGS: The Third Division of the Adjustment Board, 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties. Under date of December 11, 1959, the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of January, 1960.