

Award No. 13808

Docket No. CL-13737

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

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

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5228) that:

(a) Carrier violated the Agreement between the parties effective October 1, 1940, as amended, at Dunsmuir, California, when on Thursday, March 16, 1961, it failed and refused to call and use Mrs. C. A. Crawford, Train Clerk No. 6, on her rest day to perform work of her position in the absence of the regular relief employee.

(b) Carrier shall now be required to compensate Mrs. C. A. Crawford eight (8) hours at time and one-half rate of Train Clerk Position No. 6 for March 16, 1961.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an Agreement bearing effective date October 1, 1940, reprinted May 2, 1955, including revisions (hereinafter referred to as the Agreement), between the Southern Pacific Company (Pacific Lines) (hereinafter referred to as the Carrier) and its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees (hereinafter referred to as the Employees) which Agreement is on file with this Board and by reference thereto is hereby made a part of this dispute.

At the time of this dispute, Mrs. C. A. Crawford (hereinafter referred to as Claimant), was regularly assigned to Train Clerk No. 6 at Dunsmuir, California, 12:00 (Midnight) to 8:00 A.M., rest days Wednesday and Thursday, rate \$20.10 per day.

There also existed Relief Position No. 2, regularly assigned to Mrs. B. Hamilton, who was assigned to relieve Train Clerk No. 6 on its rest days Wednesday and Thursday.

At approximately 6:30 P.M., March 15, 1961, Mrs. B. Hamilton, Relief Clerk No. 2, laid off sick. The Carrier called extra unassigned Clerk B. Beck, and she accepted the call to protect the rest day vacancy on Train Clerk Position No. 6.

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

That the parties waived oral hearing;

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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 6th day of August 1965.