

Award No. 15174
Docket No. CL-15605

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5741) that:

(a) Carrier violated the agreement in the Accounting Department, Atlanta, Georgia, when it failed to call the oldest available, qualified employees to perform unassigned work the evening of October 28, 1963.

(b) The Carrier shall be required to compensate Mrs. S. D. Ballentine, Mrs. M. F. Hickey and Mrs. C. O. Thompson four (4) hours' pay each at the time and one-half rate for the work performed by junior employees on that date.

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the class or craft of employees in which the Claimants in this case hold positions and the Southern Railway Company.

The Carrier's representative did, on Monday, October 28, 1963, have certain work he wanted performed in the Accounting Department. After canvassing the employees in the Timekeeping sections, identified as A&O and Mechanical, he then offered the overtime work to the employees from other forces with previous and most recent experience. As a result of his action, the Protective Committee of Lodge No. 943 was furnished properly executed grievance forms by Mrs. Sophie D. Ballentine, Mrs. M. F. Hickey and Mrs. C. O. Thompson (Employees' Exhibits A, B and C). Chairman of the Protective Committee, Mr. E. E. Yancey, filed claim accordingly on November 7, 1963 (Employees' Exhibit D). This claim was then properly handled through channels as indicated by the Employees' Exhibits D through I.

An extension of time within which to submit this case to the Third Division of the National Railroad Adjustment Board was requested on November 5, 1964 (Employees' Exhibit J). This extension was granted as per Assistant Director of Labor Relations, Mr. J. W. Staley's letter of November 11, 1964 (Employees' Exhibit K).

have forty (40) hours of work that week, the regular employe shall be given preference.

Where work is required to be performed on a holiday which is not a part of any assignment the regular employe shall be given preference.

Wherever the words 'the regular employe' are used in this Rule 28(b) they shall mean the regular employe entitled to the work under this agreement.

(c) Work on Assigned Days — Where work is required by Carrier to be performed on an assigned rest day which is part of a regular relief assignment and occupant of such regular relief assignment is absent on such day and it is necessary to use a regularly assigned employe on such assignment at rate of time and one-half, preference to such work will be given the occupant of such position who is observing that day as his assigned rest day."

(Exhibits not reproduced.)

OPINION OF BOARD: A careful examination of the record in these dockets fails to reveal any violation of the Agreement in any of the claims there listed.

As a matter of fact the Carrier's action in each of the three claims is full in accord with the requirements of Rule 28.

The same issue, parties and rules were before this Board and disposed of by Award 10947 (Dorsey). It was a denial Award.

A denial Award is required here.

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 Agreement was not violated.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1967.

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