

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

ILLINOIS CENTRAL RAILROAD COMPANY

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

STATEMENT OF CLAIM: Are the following claimants entitled to two days' pay at the overtime rate for working on holidays falling on their rest days?

Claimant	Claim Date
Odis Martin, Clarence Brown, James Blanton, Oliver Sims, T. S. Green, E. Fleming, S. H. McCollins, S. Spain	May 30, 1964
J. M. Manion, J. G. Johnson, W. K. McCracken	May 30, 1964
J. M. Manion, E. L. Smith, J. G. Johnson, D. C. Armstrong, D. M. Scherrer, J. D. Herold	July 4, 1964
M. E. Chambers	May 30, 1964
Gene Cox	May 30, 1964
J. E. Parker	May 30, 1964
J. W. Cheniae	July 4, 1964
I. E. Johnson	July 4, 1964
C. Seeliger, J. Gorches	May 30, 1964
Joseph Young, Terenzio Spizzo, John Azara, Joseph Grippando, William French, James Simpson, David Swedberg, William Potts, Elijah Sercye, Clarence Sutton, Alonzo Williams, William Jackson, John Conley, Deasmer Douglas, Horace Shelton, M. D. Garrett, L. V. Hambrick, Joseph Harkness, Will Cloud, Eddie Winchester, Clifton Thames, Eddie Griffin, Robert Batiest, Lorenzo Morrow, Noah Hunter, Willie Ford, Richard Snipes, Litiby McCune, James Richardson, Therron Davis, James Davis, Frank Rubido, Balente Padilla, Wesley Brooks, Albert Martinez, Manzie Harston, O. C. Adams, Jr., Osben Lyons, Matthew Gillen, Isaak Beck	May 30, 1964

H. C. Ridenhour	May 30, 1964
	July 4, 1964
J. Blanton, C. Brown, O. Sims	July 4, 1964
R. J. LaVeille, W. H. Stirn, L. C. Kelley, W. J. LaVeille, J. Normberger, G. Vandevyvere	May 30, 1964
S. Howard, F. W. McGinnis, L. C. Kelley, E. Peterson, G. Vandevyvere	July 4, 1964
R. M. Hardy, M. W. Abbott, R. Hill, N. G. Nuckolls	July 4, 1964
E. E. Kramer	Sept. 7, 1964
E. E. Huffman	Sept. 7, 1964
Burt Hester	Sept. 7, 1964
J. M. Griffin	Sept. 7, 1964
R. H. Dupuy	July 4, 1964
J. Griffin	July 4, 1964
Ward Freets, C. H. Place	Sept. 7, 1964
T. H. Smoot	Nov. 26, 1964
R. T. Russell	Dec. 25, 1964
E. M. Pegues	Nov. 26, 1964
L. J. Edwards	Jan. 1, 1965
D. Bennett, L. D. Robinson, E. E. Burg	Nov. 26, 1964
Frank Morrell, Robert Peters, R. J. LaVeille	Nov. 26, 1964
L. T. LaPlante	Jan. 1, 1965
J. S. Moss	Feb. 22, 1965

CARRIER'S STATEMENT OF FACTS: For the last forty years, clerks who have worked on holidays falling on their rest days have been paid one day at the overtime rates. Then, in 1964, the union heard that the Adjustment Board had sustained claims for an additional day at the overtime rate. The time was ripe, the union decided, to seek the same pay for Illinois Central clerks. The union began to flood the company with claims for a second overtime day for employes who work holidays falling on their rest days. The company pointed out the parties have been in agreement for forty years that clerks are entitled to only one overtime day instead of two, but the company could not persuade the union to withdraw the claims. The union insisted the Adjustment Board awards nullified this agreement. Pertinent correspondence is attached as Management's Exhibit A.

(Exhibits not reproduced.)

EMPLOYEES' STATEMENT OF FACTS: The Agreements between the parties are on file with the Board and by this reference thereto are made a part hereof.

(Exhibits not reproduced.)

OPINION OF BOARD: We are here concerned with a claim filed by this Carrier, which reads as follows:

“Are the following claimants entitled to two days’ pay at the overtime rate for working on holidays falling on their rest days?”

We have already disposed of the issue involved here by our Award No. 15361.

For the reasons there cited, the Carrier is required to pay the Claimants named in this docket two days’ pay at the rate of time and one-half for working on holidays falling on their rest days.

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 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 violated.

AWARD

Petitioner’s question is answered in the affirmative, and Claimants should be compensated in accord with Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of February 1967.

CARRIER MEMBERS’ DISSENT TO AWARD 15362, Docket CL-15861 (Referee Lynch)

For the reasons stated in our Dissent to Award 15361, we consider this Award invalid, and vigorously dissent.

G. L. Naylor
R. E. Black
T. F. Strunck
P. C. Carter
G. C. White

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