

Award No. 15376
Docket No. CL-15811

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

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

EIGIN, JOLIET AND EASTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5826) that:

(1) Carrier violated the provisions of the effective Clerks' Agreement when it failed to properly compensate W. L. Opelt, M. J. Polochi, J. G. Sartori and W. Criscione for work performed on Saturday, May 30, 1964, a regularly assigned rest day which was also a holiday.

(2) The Carrier shall now be required to compensate W. L. Opelt, M. J. Polochi, J. G. Sartori and W. Criscione an additional eight (8) hours' pay at the rate of time and one-half for May 30, 1964.

EMPLOYEES' STATEMENT OF FACTS: Mr. W. L. Opelt is incumbent of Position JT-209, Clerk, a five day position, assigned hours 8:00 A. M. to 4:30 P. M., rest days, Saturday and Sunday. On Saturday, May 30, 1964, a holiday, Mr. Opelt was called to fill an 8 hour assignment on his regular position, for which he was compensated for eight (8) hours at the rate of time and one-half.

Mr. M. J. Polochi is incumbent of Position JT-556, Clerk, a five day position, assigned hours 8:00 A. M. to 4:30 P. M., rest days, Saturday and Sunday. On Saturday, May 30, 1964, a holiday, Mr. Polochi was called to fill an eight (8) hour assignment on his regular position for which he was compensated for eight (8) hours at the rate of time and one-half.

Mr. J. G. Sartori is incumbent of Position JT-541, Clerk, a seven (7) day position, assigned hours 8:00 A. M. to 4:00 P. M., rest days, Saturday and Sunday. On Saturday, May 30, 1964, a holiday, the incumbent of Position JT-670, rest day relief for Position JT-541 on Saturday and Sunday, rearranged to fill another position and the Carrier called Mr. Sartori to fill his regular assignment for which he was compensated for eight (8) hours' pay at the rate of time and one-half.

"RULE 48.
SUNDAY WORK — HOLIDAY WORK

* * * * *

(b) Holiday Work. Work performed on the following legal holidays, namely, New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas (provided when any of the above holidays fall on Sunday the day observed by the State Nation or by proclamation shall be considered the holiday) shall be paid for at the rate of time and one-half.

* * * * *

The Agreement of March 19, 1949 (Forty Hour Work Week Agreement effective September 1, 1949).

The National Agreement of August 21, 1954.

The National Agreement of August 19, 1960.

(Exhibits not reproduced.)

OPINION OF BOARD: This issue has been resolved in Award Nos. 10541, 10679, 11454, 11899, 12453, 12471, 14138, 14489, 14528, 14978, 15000, and 15052. As in these Awards we hold that the Agreement was violated and the claim is sustained.

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 violated in accordance with above Opinion.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1967.

**CARRIER MEMBERS' DISSENT TO AWARD 15376,
DOCKET CL-15811 (Referee Engelstein)**

Carrier Members' Dissent to Award 10541 is adopted for our Dissent to Award 15376.

**W. M. Roberts
R. A. DeRossett
W. B. Jones
C. H. Manoogian
J. R. Mathieu**

**LABOR MEMBER'S ANSWER TO CARRIER MEMBERS'
DISSENT TO AWARD 15376, DOCKET CL-15811**

Sustaining Awards 10679, 11454, 11899, 12453, 12471, 14138, 14489, 14528, 14977, 14978, 15000, 15052, 15144, 15226, 15340, 15361, 15362, 15376, 15398, 15440, 15450 and Labor Member's Answers to Carrier Members' dissents to Awards 14977, 14978, 15000 suffice as answer to the Carrier Members' Dissent to Award 15376, Docket CL-15811.

**D. E. Watkins
Labor Member
4-4-67**