

Award No. 15531
Docket No. CL-16085

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Harr, Referee

PARTIES TO DISPUTE:

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

SEABOARD AIR LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5958) that:

(1) Carrier violated the Rules of the Clerks' Agreement on February 22, 1965, when it failed to properly compensate D. A. Murphy for work performed on his regularly assigned rest day, which was also a holiday.

(2) Carrier shall now be required to compensate D. A. Murphy for eight hours at the punitive rate of his position for February 22, 1965, in addition to the amount already received.

EMPLOYEES' STATEMENT OF FACTS: Clerk D. A. Murphy, hereinafter referred to as claimant, is the regular occupant of a seven day position, styled Crew Clerk, assigned to work from 7:59 A.M. to 3:59 P.M., Tuesday through Saturday, with Sunday and Monday rest days. He is relieved on his rest days by a regularly assigned Relief Clerk.

On Monday, February 22, 1965, the relief clerk was off and, therefore, did not work and Claimant was instructed by Carrier to fill the position of the relief clerk. February 22, 1965 was a national holiday as well as Claimant's rest day; however, Carrier paid him only eight hours at the punitive rate for service performed on that date, stating that Claimant was paid in accordance with the rules for working on the holiday and on his rest day.

CARRIER'S STATEMENT OF FACTS: There is a duly negotiated agreement in effect between the parties to this dispute, The Brotherhood of Railway and Steamship Clerks, hereinafter shown as the petitioner, and the Seaboard Air Line Railroad Company, hereinafter shown as the carrier. That agreement and supplements thereto are on file with your Board and by reference thereto is made a part of this submission.

The claimant, Mr. D. A. Murphy, was a regularly assigned clerk (crew dispatcher) at Savannah, Georgia, working 7:59 A.M. to 3:59 P.M., Tuesday through Saturday, with rest days Sunday and Monday. Monday, February 22, 1965, was one of the specified legal holidays covered by Rule 51(a) and was

OPINION OF BOARD: Claimant worked his assigned rest day which was also a recognized holiday. He was paid eight hours at the time and one-half rate. The Claim is for an additional eight hours' pay at the time and one-half rate. The most recent cases on this question are Awards 15527 and 15528, in which this Referee wrote sustaining Awards.

See also Awards 10541, 10679, 11454, 11899, 12453, 12471, 14138, 14889, 14528, 14977, 14978, 15000, 15052, 15361, 15362, 15376 and 15450.

We will sustain the claim.

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.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of April 1967.