



Award No. 15764
Docket No. CL-16236

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Harr, Referee

PARTIES TO DISPUTE:

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

THE BELT RAILWAY COMPANY OF CHICAGO

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5955) that:

1. Carrier violated the parties' Agreement when it failed to properly compensate Paul Slowik for service performed on his birthday anniversary April 25, 1965.

2. Carrier shall be required to pay Claimant Paul Slowik a day's pay, at the time and one-half rate, in addition to that paid for service performed on April 25, 1965.

EMPLOYEES' STATEMENT OF FACTS: Claimant Paul Slowik is the regular occupant of a seven day per week Clerical Machine Operator position, Monday through Friday, with assigned rest days of Saturday and Sunday.

On Sunday, April 25, 1965, one of Claimant's assigned rest days, which was also his birthday anniversary, he was required to work in accordance with existing rules and practices thereunder. He was paid eight (8) hours at the pro rata rate as birthday pay and eight (8) hours at the time and one-half rate for working on his rest day. The Carrier failed and refused to pay him eight hours at the time and one-half rate for work performed on the birthday holiday.

On June 2, 1965, claim was filed with the Assistant Manager Data Processing, Mr. H. C. Mills and was declined on June 21, 1965. Employees' Exhibit Nos. 1 and 2.

On July 14, 1965, the claim was subsequently appealed to the Manager Labor Relations, Mr. J. C. Sidor, highest authority for appeals on the property and was declined on August 13, 1965. Employees' Exhibit Nos 3 and 4.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS: Clerk Paul Slowik was required to work on his assigned rest day, Sunday, April 25, 1965, which was also this employee's birthday. He was paid eight (8) hours at the pro rata rate as holiday pay and eight (8) hours at the time and one-half rate for working on

the holiday. The union has asked for an additional eight (8) hours pay at the time and one-half rate of pay.

OPINION OF BOARD: The Claimant was regularly assigned as a Machine Operator with assigned work days of Monday through Friday and rest days of Saturday and Sunday. Claimant worked Sunday, April 25, 1965, which was also his Birthday.

Claimant was paid eight hours pro rata pay for his Birthday and eight hours at time and one-half for service performed. The claim before the Board is for an additional eight hours pay at the time and one-half rate.

We believe that the issues involved in this case are the same as those involved in Awards Nos. 10541, 10679, 11454, 11899, 12453, 12471, 14138, 14489, 14528, 14977, 14978, 15000, 15052, 15144, 15226, 15398, 15340, 15361, 15362, 15376, 15440, 15450, 15527, 15528, 15531, 15553, 15660, and 15661.

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 27th day of July 1967.

CARRIER MEMBERS' DISSENT TO AWARD NO. 15764, DOCKET NO. CL-16236

For the same reasons that are fully and specifically stated in the dissent to Award 15398, Docket CL-16000, we dissent to this Award.

G. C. White
R. E. Black
P. C. Carter
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