

Award No. 15988
Docket No. TE-16353

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

**THE NEW YORK, NEW HAVEN AND HARTFORD
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on The New York, New Haven and Hartford Railroad Company, that:

CLAIM NO. 1

(a) Carrier violated the Agreement between the parties when it failed and refused to properly compensate Mr. B. Benson for work performed on September 6, 1965, a regularly assigned rest day of his assignment which was also a holiday, (Labor Day).

(b) Carrier shall be required to compensate Mr. B. Benson for eight hours at time and one-half rate of his position in addition to the amount already paid for working September 6, 1965.

(Railroad Docket 10224.)

CLAIM NO. 2

(a) Carrier violated the Agreement between the parties when it failed and refused to properly compensate Mr. G. E. Meyers for work performed on September 6, 1965, a regularly assigned rest day of his assignment which was also a holiday, (Labor Day).

(b) Carrier shall be required to compensate Mr. G. E. Meyers for eight hours at time and one-half of his position in addition to the amount already paid for working September 6, 1965.

(Carrier Docket 10311.)

EMPLOYEES' STATEMENT OF FACTS: An Agreement between The New York, New Haven and Hartford Railroad Company and this Union, dated September 1, 1949, as amended and supplemented is available to your Board and by this reference is made a part hereof.

These claims were presented and progressed in accordance with the time limits provided by the Agreement up to and including appeal and conference with the highest officer designated by the Carrier to receive appeals. Having

CLAIM NO. 2 - Carrier's Docket 10311

Claimant in this case, Mr. Gustave E. Meyers, owned a regular relief assignment as Operator at Signal Station 28, Greenwich, Connecticut, with rest days Thursday and Friday. Prior to the date of claim Mr. Meyers was diverted to the second trick operator's assignment at Signal Station 28 and assumed the regularly assigned rest days of that position which were Sunday and Monday. Mr. Meyers was required to perform eight hours' service on the second trick at Signal Station 28 on Monday, September 6, 1965, the Labor Day Holiday which was coincidentally one of his assigned rest days. For service performed on his rest day claimant was paid eight hours at the punitive rate.

Attached as Carrier's Exhibit C is copy of appeal of former General Chairman J. F. Kelleher to the undersigned. Attached as Carrier's Exhibit D is copy of decision of the undersigned who is the highest designated officer on the property to handle claims and grievances.

Copy of the Agreement between the parties, dated September 1, 1949, as amended, is on file with your Board and is, by reference, made a part of this submission.

(Exhibits not reproduced.)

OPINION OF BOARD: This dispute is similar in all respects to Award Number 15985.

The Board holds that the Agreement was violated.

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 is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 8th day of December 1967.

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