

Award No. 16318
Docket No. TE-15402

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Central of Georgia Railway, that:

CLAIM NO. 1

1. Carrier violated the terms of an Agreement between the parties hereto when it failed and refused to properly compensate the regular occupants of established positions on November 28, 1963, a holiday (Thanksgiving).

2. Carrier shall, because of the violation set forth in paragraph one (1) hereof, pay the following claimants a day's pay (8 hours) at the time and one-half rate for November 28, 1963 (the holiday) in addition to the day's (8 hours) pay at the pro rata rate paid them:

1. J. S. Hayes	Agent	Watkinsville, Ga.
2. C. J. Griggs	Agent	Monticello, Ga.
3. Mrs. G. D. Griggs	Agent	Machen, Ga.
4. E. D. McBride	Agent	Madison, Ga.
5. Mrs. M. D. King	Agent	Gray, Ga.

CLAIM NO. 2

1. Carrier violated the terms of an Agreement between the parties hereto when it failed and refused to properly compensate the regular occupants of established positions on November 28, 1963, a holiday (Thanksgiving).

2. Carrier shall, because of the violation set forth in paragraph one (1) hereof, pay the following claimants a day's (8 hours) pay at the time and one-half rate for November 28, 1963 (the holiday) in addition to the day's (8 hours) pay at the pro rata rate paid them:

1. L. H. Pittman	Agent-Operator	Chickamauga, Ga.
2. W. D. Aiken	Agent-Operator	LaFayette, Ga.
3. D. A. Strickland	Agent-Operator	Trion, Ga.
4. D. Earnest	Agent-Operator	Summerville, Ga.
5. W. H. Duke	Agent-Operator	Lyerly, Ga.
6. J. C. Strickland	Agent-Operator	Krannert, Ga.
7. H. E. Love	Agent-Operator	Bowdon Junction, Ga.
8. E. H. Murphy	Agent-Operator	Carrollton, Ga.
9. J. M. Arnold	Agent-Operator	Yates, Ga.
10. J. E. Hight	Agent-Operator	Sargent, Ga.
11. W. C. Hunt	Agent-Operator	Newnan, Ga.

CLAIM NO. 3

1. Carrier violated the terms of an Agreement between the parties hereto when it failed and refused to properly compensate the regular occupants of established positions on December 25, 1963 and January 1, 1964, Christmas and New Year's holidays.

2. Carrier shall, because of the violations set forth in paragraph one (1) hereof, pay the following claimants a day's (8 hours) pay at the time and one-half rate for each of said holidays in addition to the day's (8 hours) pay at the pro rata rate paid them:

1. L. H. Pittman	Agent-Operator	Chickamauga, Ga.
2. W. D. Aiken	Agent-Operator	Lafayette, Ga.
3. D. A. Strickland	Agent-Operator	Trion, Ga.
4. D. Earnest	Agent-Operator	Summerville, Ga.
5. W. H. Duke	Agent-Operator	Lyerly, Ga.
6. H. E. Love	Agent-Operator	Bowdon Junction, Ga.
7. E. H. Murphy	Agent-Operator	Carrollton, Ga.
8. J. M. Arnold	Agent-Operator	Yates, Ga.
9. J. E. Hight	Agent-Operator	Sargent, Ga.
10. W. H. Hunt	Agent-Operator	Newnan, Ga.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the Central of Georgia Railway, hereinafter referred to as Carrier, and its employes in station, tower and telegraph service, hereinafter referred to as Employes, as represented by The Order of Railroad Telegraphers, hereinafter referred to as Organization, effective October 31, 1959, and as amended. Copies of said Agreement are available to your Board and are, by this reference, made a part hereof.

The fact is it has been an historical interpretation and practice on this property to blank unneeded positions on holidays, as was the case here. A sampling of bulletins, marked Carrier's Exhibits C-1 through C-48 attached hereto, show this, as well as ten affidavits marked Carrier's Exhibits D-1 through D-10, also attached hereto. Carrier's Exhibit B is a photo copy of the "Analysis of Agreement" which appeared in the "Railroad Telegrapher" issue of October, 1960, published by The Order of Railroad Telegraphers. The Board's attention is directed particularly to "Article III, Holidays" of "Analysis of Agreement", which recognized the general practice on all carriers to blank or abolish unneeded jobs on holidays.

Each of the claims of an alleged violation in this case were filed by the Employees' representatives, and duly handled by the parties, in strict keeping with Rule 20, Time Limits (originally Article V of the November 5, 1954 Non-Ops' Agreement). The claims were appealed up to and including the Director of Personnel, who is Carrier's highest designated officer to whom claims such as this may be appealed. These claims have been denied at each and every stage of handling on the property for the reason the employees have failed to cite any rule, interpretation or practice which gives them what they are demanding here. These baseless claims have no semblance of merit, and, in fact, constitute "an all-to-gain-and-nothing-to-lose" proposition from start to finish.

The claims, being without any semblance of merit, were denied on the property. These claims are identical to those covered by Third Division Award 13259 (Referee Hall) involving the same parties and the same agreement. Your Board denied those eleven (11) claims.

(Exhibits not reproduced.)

OPINION OF BOARD: The issue and facts in this dispute are similar to the issue and facts in Docket No. TE-15208, Award 16317 (except here the holidays in question are Thanksgiving Day), involving the same parties to this dispute, and inasmuch as said Award 16317 is controlling, we must deny these claims.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 not violated.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of May 1968.

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