



Award No. 16680

Docket No. CL-16661

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard E. Perelson, Referee

PARTIES TO DISPUTE:

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

THE BELT RAILWAY COMPANY OF CHICAGO

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6187) that:

1. Carrier violated the parties Agreement when it failed to properly compensate Chief Clerk J. Nausedas for services performed on his birthday anniversary, December 25, 1965, which was also one of the designated holidays.

2. Carrier shall be required to pay Claimant Nausedas a day's pay, at the time and one-half rate of his Chief Clerk position, in addition to that paid for services performed on December 25, 1965.

EMPLOYEES' STATEMENT OF FACTS: Claimant J. Nausedas on the date involved, was the regular occupant of a seven day per week Chief Clerk Relief position, Wednesday through Sunday, with assigned rest days of Monday and Tuesday.

On Saturday, December 25, 1965, the Christmas Day Holiday, which was also his birthday anniversary, Claimant was required to work his regular position in accordance with existing rules and practices thereunder. He was paid eight (8) hours at the pro rata rate as birthday pay, eight (8) hours at pro rata rate as holiday pay and eight (8) hours at the 1½ time rate for working on a holiday. 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 February 21, 1966, claim was filed with the Agent, Mr. R. E. Santoro and was declined on February 23, 1966. Employees' Exhibit Nos. 1 and 2.

On March 1, 1966, the claim was appealed to Vice President and Assistant General Manager, Mr. D. R. Turner and was declined on March 4, 1966. Employees' Exhibit Nos. 3 and 4.

On April 28, 1966, the claim was subsequently appealed to the Asst. to General Manager, Mr. C. M. Crawford, highest authority for appeals on the property and was declined on June 7, 1966. Employees' Exhibit Nos. 5 and 6.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS: Clerk J. Nausedas did work on Christmas Day, December 25, 1965 which was also his birthday anniversary. For this work he was allowed eight hours pay at the pro rata rate for his birthday holiday, eight hours pay at the pro rata rate for the holiday, Christmas Day, and eight hours pay at the time and one-half rate for working on the holiday. The organization contends that Clerk Nausedas should be paid an additional eight hours at the time and one-half rate or two time and one half days' pay for one eight hour tour of duty plus the two straight-time days allowed.

OPINION OF BOARD: Claimant was the regular occupant of a seven day per week Chief Clerk Relief position of the Carrier, Wednesday through Sunday, with assigned rest days of Monday and Tuesday.

Saturday, December 25, 1965, Christmas Day, a designated legal holiday, was also the Claimant's birthday, on which he was required to work eight hours. He was paid eight hours' birthday pay, eight hours for the legal holiday, and eight hours at the time and one-half rate for working the legal holiday. Claim is here made for an additional eight hours' pay at the rate of time and one-half for working on his birthday.

The same issue, as to the interpretation of Article II — Holidays, Sections 6(f) and (g) of the National Mediation Agreement executed November 20, 1964, has been adjudicated by this Board in Awards 14921, 14922, 15013, 15388, 15401, 15451, 15520, 15563, 15585, 15589, 15761, 15891, 15908, 15942 and 15949, among others.

We will deny the instant 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 not violated by the Carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1968.

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