



Award No. 16681

Docket No. CL-16662

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard E. Perelson, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY 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-6186) that:

1. Carrier violated the parties Agreement when it failed to properly compensate Mary McIntyre for services performed on her birthday anniversary, February 22, 1966, which was also one of the designated holidays.

2. Carrier shall be required to pay Claimant Mary McIntyre a day's pay, at the time and one-half rate, in addition to that paid for services performed on February 22, 1966.

EMPLOYEES' STATEMENT OF FACTS: Claimant Mary McIntyre is the regular occupant of a seven day per week Train Clerk position, Monday through Friday, with assigned rest days of Saturday and Sunday.

On Tuesday, February 22, 1966, Washington's Birthday, which was also her birthday anniversary, Claimant was required to work her regular position in accordance with existing rules and practices thereunder. She 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 her eight hours at the time and one-half rate for work performed on the birthday holiday.

On March 5, 1966, claim was filed with the Superintendent, Mr. J. Overbey and was declined on March 11, 1966. Employees' Exhibit Nos. 1 and 2.

On April 28, 1966, the claim was appealed to Vice President and Assistant General Manager, Mr. D. R. Turner and was declined on April 29, 1966. Employees' Exhibit Nos. 3 and 4.

On June 6, 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 denied on June 7, 1966. Employees' Exhibit Nos. 5 and 6.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS: Clerk Mary McIntyre did work on Washington's Birthday, February 22, 1966 which was also her birthday anniversary. For this work she was allowed eight hours pay at the pro rata rate for her birthday holiday, eight hours pay at the pro rata rate for the holiday, Washington's Birthday, and eight hours pay at the time and one-half rate for working on the holiday. The organization contends that Clerk McIntyre 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 Train Clerk position of the Carrier, Monday through Friday, with assigned rest days of Saturday and Sunday.

Tuesday, February 22, 1966, Washington's Birthday, a designated legal holiday, was also the Claimant's birthday, on which she was required to work eight hours. She was paid eight hours at the straight time rate for her birthday, eight hours at straight time for the legal holiday and eight hours at the rate of time and one-half for working the holiday. Claim is here made for an additional eight hours' pay at the rate of time and one-half for working on her 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 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.

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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