



Award Number 17530

Docket Number TE-16875

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES
UNION**

FORT WORTH AND DENVER RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Fort Worth and Denver Railway, that:

1. (a) Carrier violated the Agreement between the parties when it improperly compensated T. C. Stockton for services performed on December 25, 1965, at Fort Worth, Texas.
(b) Carrier shall compensate T. C. Stockton, in addition to compensation already received, the sum of four (4) hours at the straight time rate for the violation set forth above. Total amount due \$11.65.
2. (a) Carrier violated the Agreement between the parties when it improperly compensated J. B. Priest for services performed on February 22, 1966, at Childress, Texas.
(b) Carrier shall compensate J. B. Priest for eight (8) hours the time and one-half rate in addition to compensation already received, for the violation set forth above. Total amount due \$34.71.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective December 1, 1955, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

In Claim No. 1, Claimant Stockton is regularly assigned to the working-wire chief-telegrapher position at Fort Worth, Texas, with a work week of Monday through Friday and rest days of Saturday and Sunday. Claimant works assigned hours of 7:00 A.M. to 3:00 P.M. Claimant is relieved on his rest days by a regularly assigned relief employee.

On Saturday, December 25, 1965 (Christmas Day), one of Claimant's rest days, Claimant was required to work from 7:00 A.M. to 3:00 P.M. in the Fort Worth Office. For working on his rest day, which was also a holiday, Claimant was allowed eight (8) hours' pay at the time and one-half rate, and eight (8) hours' pay at the straight time rate.

In Claim No. 2, Claimant Priest is regularly assigned to the third trick telegrapher position at Childress, Texas with a work week of Thursday

through Monday, assigned hours 11:59 P.M. to 8:00 A.M. and rest days of Tuesday and Wednesday.

On Tuesday, February 22, 1966 (Washington's Birthday), one of Claimant's rest days, Claimant was required to work on the third trick position at Childress, Texas from 11:59 P.M. to 8:00 A.M. For working on his rest day, which was also a holiday, Claimant was allowed eight (8) hours at the time and one-half rate.

Claims were filed and handled in the usual manner up to and including the highest designated officer of the Carrier and have been declined. Correspondence reflecting this handling on the property is attached hereto as TCU Exhibits 1 through 26. Exhibits 1 through 16 pertain to Claim No. 1. Exhibits 17 through 26 pertain to Claim No. 2.

(Exhibits Not Reproduced)

CARRIER'S STATEMENT OF FACTS: Claims Nos. 1 and 2 as quoted above were handled separately on the property as individual claims.

Claim No. 1 involving Telegrapher T. C. Stockton: The claim date, December 25, 1965, was the claimant's rest day which also happened to be a national holiday. The claimant worked eight hours on that date. He was allowed eight hours at time and one-half for working on his rest day, and, as a result of a timekeeping error, was also allowed an additional eight hours at pro rata rate.

The payment sought in this claim No. 1 is for one more day at time and one-half rate, in addition to that already allowed, but essentially, as outlined in the claim, it is for four more straight time hours, i.e., four plus the eight allowed in timekeeping error.

(T-55)

Claim No. 2 involving Telegrapher J. B. Priest: The claim date, February 22, 1966, was the claimant's rest day and also happened to be a national holiday. The claimant worked eight hours on that date. He was allowed eight hours pay at time and one-half.

The payment sought in this claim No. 2 is for one more day at time and one-half rate, in addition to that already allowed.

(Exhibits Not Reproduced)

OPINION OF BOARD: In Claim No. 1, the Claimant was required to work eight hours on December 25, 1965, the Christmas holiday and also one of his regularly assigned rest days. He was paid eight hours at time and one-half rate and, in addition, eight hours at pro-rata rate. The latter payment, Carrier asserts, was made in error.

The claim seeks four hours' pay at straight time rate, so as to make the total payment equal to one day at time and one-half for working a holiday.

In Claim No. 2 the Claimant was required to work eight hours on February 22, 1966, which was his rest day and a holiday. He was paid eight hours at time and one-half, and asks an additional eight hours' pay at time and one-half.

The issues involved in these claims are the same as those involved in a long line of Awards beginning with Award 10541, and including 16687 by this Referee. Accordingly, the instant claims will be sustained.

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.

A W A R D

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of October 1969.