

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19356
Docket Number CL-19472

Joseph E. Cole, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6977)
that:

1. The Carrier violated the rules of the Agreement extant between the parties when it used a junior employe, Mr. H. H. Singh, to work an unassigned day in place of Mr. J. M. Reed who was the senior clerk normally and regularly assigned to perform the work required.

2. Mr. J. M. Reed shall be compensated for eight hours pay at the overtime rate for January 10, 17, 24, 31, February 7, 14, 21, a total of fifty-six (56) hours.

OPINION OF BOARD: 1. Rule 24 (h) of the agreement states: "Work on Unassigned Days -- Where work is required by the Carrier to be performed on a day which is not a part of any assignment, it may be performed by an available furloughed employee who will otherwise not have 40 hours of work that week; in all other cases by the regular employee."

2. It appears from the record that H. H. Singh was doing the same work that he did on his regular days on the days in question.

3. H. H. Singh was the regular employee.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement has not been violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of July 1972.