

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19474
Docket Number CL-19313

Gene T. Ritter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employes
(Boston and Maine Corporation

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6982)
that:

1. Carrier violated the rules of the Clerks' Agreement, effective September 1, 1952, as amended, when it called driver messenger, Mr. W. G. Gardner to perform janitorial work in its General Office at Greenfield, Mass.

2. After reporting, Carrier would not permit Mr. W. G. Gardner to do the work and shall now be required to pay him, two days pay, at the rate of \$24.32 daily, total \$48.64 for May 20, 1970 and May 21, 1970.

OPINION OF BOARD: On May 20, 1970, Janitor G. J. Morin, in the consolidated General Office at Greenfield, Massachusetts was unable to protect his janitorial assignment starting at 5:00 P.M., account being hospitalized. Carrier's General Agent called claimant, a spare or extra employe working on the Messenger's roster, to protect the assignment. Claimant reported for work at 5:00 P.M. on May 20th to cover the janitorial vacancy but was not permitted to do so by the Chief Clerk. Subsequently, the job was blanked on May 20th and 21st until the regular Janitor returned. Before this Board Carrier defends against payment of the two days claimed on the basis that after calling Claimant it was decided that the work could be blanked, and that this is permissible under the Agreement. They also argue that while they can offer the Janitor work to Claimant, he has no seniority rights to the work in question. This may be so, but the fact remains that Claimant was called to report for work at 5:00 P.M. on May 20, 1970, and did, in fact, show up at the appointed time prepared to do the work for which he was called.

Under the authority of Award 11744 we will allow Claimant eight (8) hours' pay at pro rata rates for May 20, 1970.

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;

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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

Claim sustained to the extent indicated in the Opinion.

A W A R D

Claim sustained to the extent indicated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *E. A. Killen*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1972.