

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19634  
Docket Number CL-19416

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks  
( Freight Handlers, Express and Station Employees  
(The Chesapeake and Ohio Railway Company  
( (Chesapeake District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6968)  
that:

(a) The Carrier violated the Agreement when it failed to pay Claimant E. S. Haye one day at prorata rate of Store Helper Position C-60, \$25.17, for December 29, 1969.

(b) The Carrier shall now compensate Claimant E. S. Haye as requested.

OPINION OF BOARD: Claimant E. S. Haye is a cut-off employee who is protecting temporary vacancies at Huntington, Peach Creek and Handley, West Virginia.

On December 29, 1969 he was unable to work a temporary vacancy at Huntington Stores because he was ill.

He filed for sick pay under Rule 60 and his claim was denied.

The question at issue is whether cut-off employees are entitled to sick pay benefits under Rule 60 or whether the Rule protects only regularly assigned employees.

The Board dealt with the same question involving the same Carrier and the same Organization in two previous awards, Awards 19483 and 19633, and, in each case, the Board held that employees other than regularly assigned employees may receive sick pay under Rule 60.

These two prior awards are dispositive of the instant case and the claim is 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

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1973.