

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21095  
Docket Number CL-21030

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(Houston Belt & Terminal Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
GL-7809, that:

1. Carrier violated the Clerks' Agreement when it failed and refused to properly compensate Clerk F. D. Rivers, July 1, 1974, pursuant to Rule 31(a) of the Clerks' Rules Agreement.

2. Carrier shall now be required to compensate Mr. F. D. Rivers an additional 5 hours and 25 minutes at pro rata rate for July 1, 1974.

OPINION OF BOARD: On the claim date Claimant requested and was granted sick leave after performing service on his position for a period of 2 hours and 35 minutes. He had no paid sick leave days left under Rule 48. His claim is that he should have been paid by Carrier for the 5 hours and 25 minutes of his tour of duty during which he was absent on his own request due to illness.

A review of the record indicates this claim is nothing more than a request for compensated sick leave over and above that provided for in Rule 48 of the parties' Agreement. Under the well established rule of construction applicable to the case, we must conclude that the parties did not intend for the employees to have compensated sick leave in circumstances other than those provided for in the sick leave rule.

Furthermore, Petitioner's contentions that the minimum basic day rule guarantees an employee compensation for a period of time when he has been granted sick leave is contrary to the consistent rulings of this Board.

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 was not violated.

A W A R D

Claim denied.

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By Order of Third Division

ATTEST:

G. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of June 1976.