

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21435
Docket Number SG-21426

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Robert W. Blanchette, Richard C. Bond and John H.
(McArthur, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the former Pennsylvania Railroad Company:

System Docket 915
Southern Region - Cincinnati Division Case 35

(A) Carrier is in violation of Article 5 of the November 16, 1971 Agreement by letter of Supervisor J. J. Canfield to 'All former PRR Employees dated January 19, 1973, about double time.'

(B) Carrier should be required to pay E. G. Seibert 23.2 hours double time. After putting in 8.0 hr. straight time on Thursday, April 19, 1973, he then put in on April 20, 1973, from 8:30 am to 3:00 pm a total of 6.5 hrs. On April 21, 1973, he put in from 9:00 am to 7:00 pm a total of 10.0 hrs. Again on April 21, 1973, from 12:30 am to 8:30 am a total of 8.0 hrs. and on April 22, 1973 from 12:00 pm to 2:40 pm a total of 2.7 hrs. and again on April 22, 1973, from 9:00 pm to 1:00 am a total of 4.0 hrs. This is a total of 31.2 hrs. for a Holiday and two rest days.

OPINION OF BOARD: Claimant in this dispute has a regular assignment 7:30 A.M. to 4:00 P.M. Monday through Friday. This dispute involves work performed by Claimant on Friday April 20, 1973, a holiday and on the following Saturday and Sunday. The work in the period in question totaled 31.2 hours for which Claimant was paid time and one-half. Petitioner alleges that he should have been paid double time for that period in excess of eight hours, or for 23.2 hours. The claim involves an interpretation of Article V of the November 16, 1971 National Agreement, which reads in pertinent part:

"(a) (Effective June 1, 1962) Inspectors, assistant inspectors, foremen and assistant foremen shall be paid monthly rates of pay based on 174 hours per month. Their straight time hourly rate will be determined by dividing the monthly rate by 174."

The position of the Organization is that an employee does not have a regular starting time on a rest day or holiday. From that position, it is argued that the regular starting time for Claimant on Thursday April 19, 1973 is the base and counting from that time, work in excess of sixteen hours

is double time. The Organization argues that Article V must be interpreted as written and the word continuous must be read in the place it appears in the Rule.

The issue of the regular starting time of an employe on rest days (or holidays) has been reviewed in a number of prior awards. In Award 5156, involving a related dispute, the Board said:

"....in computing double time for work in excess of 16 continuous hours of service, the starting time of an employe's regular shift constitutes the starting point of the 24 hour period whether during regularly assigned days or otherwise...."

The position stated above has been reaffirmed in a host of following awards including Awards 5262, 12004, 13047, 19936 and 20649. We conclude that the starting time of the employe's regular shift on a normal work day must also be considered the starting time on rest days or holidays for the purpose of computing overtime compensation.

In the instant dispute the facts indicate, based on the regular starting time of 7:30 A.M., that Claimant worked 13½ hours on Friday (the holiday), 11 hours on Saturday, and 6 hours and 40 minutes on Sunday. Based on these facts, the Claim is without rule support.

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 Employes involved in this dispute are respectively Carrier and Employes 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1977.

