

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21454  
Docket Number CL-21480

David C. Randles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
GL-8056, that:

1. Carrier violated the Schedule Agreement when it failed to properly compensate Telegrapher L. M. Lee, Portland, Oregon, time and one-half for working the sixth day of her work week November 30, 1974.

2. Carrier shall now compensate Mrs. L. M. Lee eight hours at the time and one-half rate less the straight time already paid for November 30, 1974.

OPINION OF BOARD: Claimant, an extra employe, was assigned to work the position of telegrapher, hours 1:00 p.m. to 9:00 p.m., commencing Monday, November 25, 1974, and continuing through Friday, November 29, 1974. Claimant fulfilled the requirements of the assignment by working Monday, Tuesday, and Wednesday, observing the Thanksgiving Day holiday on Thursday for which she was paid eight (8) pro rata hours, and then working Friday. She was therefore entitled to the rest days of the assignment, i.e., Saturday and Sunday.

Carrier then assigned Claimant to work another position on each of the rest days of the telegrapher assignment she had filled Monday through Friday, but paid her eight (8) hours at only the straight-time rate for Saturday, the first rest day.

Since early Award 6970 of this Division, interpreting rules similar to those involved herein, it has generally been decided that extra employes assigned to a vacancy assume all of the conditions of the position they are filling, including the rest days thereof. Third Division Award 15442 specifically stated the intent of the "holiday pay" agreement in a case identical to that which is here involved.

We will follow those awards and sustain the claim.

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:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 18th day of March 1977.

