

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21766
Docket Number CL-21555

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(Fort Terminal Railroad Association

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8147), that:

(1) The Association violated the Agreement between the parties at Houston, Texas, when it failed to give Clerk H. H. Cannon at least five (5) working days advance notice in abolishing his regular assignment, Keypunch Verify Position No. 143, May 15, 1975.

(2) The Association shall now allow Clerk H. H. Cannon one (1) day's pay at the pro rata rate of Keypunch Verify Position No. 143 for May 16, 1975, to accomplish the fifth (5th) working day advance notice requirement to employees whose positions are to be abolished.

OPINION OF BOARD: At 11:00 a.m. on Friday, May 9, 1975, the Carrier posted Bulletin No. 511 which advised that Claimant's position (Keypunch Verify #143) would be abolished after working hours on Thursday, May 15, 1975. Claimant's assigned hours were 7:00 a.m. to 3:00 p.m.

Claimant asserts that Carrier did not give a full five (5) working day notice as required by the pertinent agreement.

Carrier concedes that "five working days notice must be given," but it contends that Friday, May 9, 1975 was one of those days. In other words, it asserts that the working day during which notice was given is properly included in computing the five (5) working days advance notice.

The Board has consistently ruled to the contrary. See, for example, Awards 14928, 15839, 15954 and 17219.

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of October 1977.