

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22568
Docket Number CL-22562

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Western Fruit Express Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
GL-8572, that:

1. Carrier violated the Clerks' Working Agreement when it failed to properly compensate Mr. E. C. Ellis, Relief Foreman, Whitefish, Montana for service performed on the holiday of December 25, 1976.

2. Carrier shall now be required to compensate Mr. E. C. Ellis an additional eight (8) hours at the time and one-half rate for working the Christmas Eve holiday on December 25, 1976.

OPINION OF BOARD: Claimant seeks an additional eight (8) hours at time and one-half for working the Christmas Eve Day Holiday.

Rule 31 provides a time and one-half payment for work performed on a holiday, but Claimant argues that the manner in which the holidays in question occurred required additional payment.

Unquestionably, this claim is clouded by the fact that the Claimant "...experienced a double holiday on Saturday, Christmas Day."

While Claimant's contentions have an appeal, in order to sustain this claim, it would be necessary for us to disregard that portion of the July 15, 1971 Agreement which states:

"Under no circumstances will an employe be allowed, in addition to his holiday pay, more than one time and one-half payment for service performed by him on a holiday which is also a work day, a rest day, and/or a vacation day."

The cited provision is clear and it disposes of this 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1979.