

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23201  
Docket Number CL-23215

George S. Roukis, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8909)  
that:

(1) Carrier violated the Agreement between the Parties when, on May 31, 1976, (Memorial Day), July 5, 1976, (Independence Day), and September 6, 1976, (Labor Day), it closed the continuous around-the-clock Train Order Offices at RH and NA Towers, Cincinnati, Ohio, causing and permitting employees not covered by the Clerk-Telegrapher Agreement to perform work required by Carrier which is normally and customarily performed by each assigned position at the two Train Order Offices, seven (7) days of each week, and

(2) As a result of such violative acts, Carrier shall compensate the employees assigned to the two Train Order Offices, eight (8) hours' pay at the rate of time and one-half on each of the three (3) enumerated Legal Holidays, as follows:

R. A. Braun	1st trick RH Tower	May 31, July 5 and September 6, 1976.
D. E. Schreiner	2nd trick RH Tower	May 31, July 5 and September 6, 1976.
J. F. Knizner	3rd trick RH Tower	May 31, July 5 and September 6, 1976.
N. A. Peetz	1st trick NA Tower	May 31, July 5 and September 6, 1976.
W. F. Huffaker	2nd trick NA Tower	May 31 and July 5, 1976.
R. T. Ferris	2nd trick NA Tower	September 6, 1976.
J. Gormley	3rd trick NA Tower	May 31, July 5 and September 6, 1976.

OPINION OF BOARD: On the three claim dates here involved, all legal holidays, the several Claimants listed in the Statement of Claim did not work. The Organization alleges, however, that work assigned to Claimants' positions was performed by Train Dispatchers on those dates. Performance of Operator's duties by Train Dispatchers on holidays, the Organization argues, is in violation of the Work on Unassigned Days Provision of the parties' agreement.

The Carrier argues that Claimants' positions were properly blanked on the holidays in question and that "Positively no work belonging to the Claimant Operators was performed by Train Dispatchers on any of the dates of claim."

We have examined carefully the entire record in this dispute and we are unable to find where any work of Claimants' positions was performed by Train Dispatchers on the three holidays.

The claim will be denied.

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 27th day of February 1981.

