

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23414

Docket Number CL-23247

Rodney E. Dennis, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8960) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Bakersfield, California, January 4, 1979, when it notified Claimant P. G. Molinaro that she would not be allowed holiday pay December 24 and 25, 1978, after she had qualified for payment, and

(b) Carrier shall now compensate Claimant P. G. Molinaro for eight (8) hours' pay at the rate of \$53.4463 per day for December 24 and 25, 1978, as result of such violation of Agreement rules.

OPINION OF BOARD: Claimant P. G. Molinaro requests pay at the rate of \$53.4463 per day for December 24 and 25, 1978. Carrier denied her pay for these two days because it alleged that she did not perform work for Carrier on December 26, the day after the Christmas holiday.

The Organization contends that claimant did perform service on December 26 and, consequently, that she is qualified under Section 3 of the December 28, 1967, National Agreement.

A review of the record of this case and previous awards both denying and sustaining claims on this subject reveals that if employees perform any service for which they have been paid, regardless of the amount of time spent, this Board has decided that petitioners satisfied the requirement of having been compensated on the day before or the day after a holiday. In the instant case, claimant worked 30 minutes on December 26. By so doing, she met the requirements for being paid for December 24 and 25. (see Second Division award 7174 and awards referenced therein).

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;

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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. Paulsen

Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1981.

