

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

STATEMENT OF CLAIM:

(1) The Carrier violated the Agreement between the Parties, particularly Rules 2, 6, 11 and Appendix 2, among others, when it failed to properly compensate Clerk L. M. O'Connell for service performed on Sunday, October 3, 1993.

(2) The Carrier shall now be required to compensate Clerk L. M. O'Connell an additional four (4) hours, amounting to \$66.48, the difference between the straight time rate and that of time and one-half, for Sunday, October 3, 1993."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant was an extra or unassigned Clerk at Waterloo, Iowa. In the workweek beginning on Monday, September 27, 1993 Claimant worked five days filling a vacancy on the position of CSR Clerk in Carrier's Central Billing Department. On Sunday, October 3, 1993, Claimant's seventh day of her workweek, she was used to cover a vacancy on the Transportation Assistant position. Carrier paid her at the straight time rate for this day. The claim before the Board seeks payment at the time and one-half rate.

The Board concludes that Claimant was entitled to be paid at the time and one-half rate for any work performed on a sixth work-day within her workweek. As an Extra Board employee, the Rules applicable to the Extra Board control her compensation entitlements, not special considerations that may only be applicable to excepted employees. When an Extra Board employee performs work on more than five days within a workweek the employee is entitled to be paid at the time and one-half rate for working on their sixth and seventh days.

The claim has merit.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 4th day of March 1997.