

Docket No.: 1
Award No.: 33
Case No.: 29

PUBLIC LAW BOARD NO. 15

BROTHERHOOD OF RAILROAD SIGNALMEN

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

DON HAMILTON, Referee

STATEMENT OF CLAIM:

"Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Company that:

(a) The Southern Pacific Company violated the current Signalmen's Agreement, effective April 1, 1947 and reprinted April 1, 1958 (including revisions), when it fails and/or declines to apply Rule 70, by refusing to allow time and one half loss of earnings on January 18, 1966.

(b) Mr. F. C. Adamsky be allowed the difference in straight time rate, and time and one half rate, for two hours and forty minutes (2'40") for January 18, 1966."

OPINION OF BOARD:

The Carrier admittedly violated the Agreement when it failed to call the Claimant on January 18, 1966.

The Claimant was compensated for two hours and forty minutes at the straight time rate and the Organization presents this claim based on the theory that payment should have been made at the overtime rate.

The record indicates that had the Claimant actually been called, he would have been entitled to the overtime rate of pay. It is our opinion, as enunciated in Award 13158, that the Claimant is entitled

to be compensated at the rate of pay he would have received if he had in fact been called by the Carrier according to the provisions of the Agreement.

FINDING:

That the Agreement was violated.

AWARD

Claim sustained.

PUBLIC LAW BOARD NO. 15

Don Hamilton
Don Hamilton, Chairman

W. T. Jensen
W. T. Jensen, Carrier Member

Melvin B. Frye
Melvin B. Frye, Organization Member