

**PUBLIC LAW BOARD NO. 7599**

**AWARD NO. 127  
CASE NO. 127**

**PARTIES TO  
THE DISPUTE:** Brotherhood of Maintenance of Way Employees Division  
IBT Rail Conference

**vs.**

**Grand Trunk Western Railroad Company**

**ARBITRATOR:** Gerald E. Wallin

**DECISION:** Claim denied

**STATEMENT OF CLAIM:** "Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier improperly denied Messrs. A. Bechman, M. Bessey, R. Bowers, C. Hawkins, T. Heisler, J. Henderson, A. Machinski, M. Mathews, J. Oswald, G. Pello, T. Robertson, E. Szymanski, A. Tassos, B. Tedford, E. Whipple and N. Robertson eight (8) hours' compensation on April 3, 2015, thereby depriving them of their forty (40) hour work week, consisting of five (5) days of eight (8) hours each, with two (2) consecutive days off in each seven (7) (Carrier's File GTW-BMWED-2015-00015 GTW).

2. As a consequence of the violation referred to in Part 1 above, Claimants A. Bechman, M. Bessey, R. Bowers, C. Hawkins, T. Heisler, J. Henderson, A. Machinski, M. Mathews, J. Oswald, G. Pello, T. Robertson, E. Szymanski, A. Tassos, B. Tedford, E. Whipple and N. Robertson shall now each be compensated for the eight (8) hours' pay lost, at their appropriate straight time rates of pay for April 3, 2015 as compensation for the loss of earning opportunity."

**FINDINGS OF THE BOARD:**

The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

According to the record, the sixteen claimants had only 4 or 18 consecutive days of service prior to the Good Friday holiday in question. The Organization has based its claim on Rule 10, which provides all employees with a 40-hour work week guarantee. It contends that when the claimants were denied holiday pay, the Carrier was obligated to provide them work for

the day to bring them up to 40 hours.


The Carrier denied the holiday pay per Rule 14, which imposes a work qualification on the entitlement to receive holiday pay. It is undisputed that none of the claimants met the qualification requirement.


The Rule 10 guarantee of a 40-hour work week states that it is "... subject to exceptions contained in *these* rules ..." As written, it is not limited to exceptions contained in *this* rule. Thus, according to the record, the Rule 14 work qualification requirement would constitute an exception within *these* rules that disqualifies the claimant from receiving the pay they seek.

Accordingly, the claim must be denied.

AWARD:

The Claim is denied

  
Gerald E. Wallin, Chairman  
and Neutral Member

  
John Schlismann,  
Organization Member

  
Patrick Crain,  
Carrier Member

Date: 20 Mar 2023