

SPECIAL BOARD OF ADJUSTMENT NO. 117

ORDER OF RAILROAD TELEGRAPHERS
and
MISSOURI PACIFIC RAILROAD COMPANY

Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad that:

1. Carrier violated the terms of the agreement between the parties when on Thursday, September 1, 1955, it failed to use I. M. Campbell, the regularly assigned occupant of position No. 10 in "GM" Relay Office, St. Louis, in the absence of the regular relief employe or an available extra employe.
2. Carrier shall compensate I. M. Campbell for 8 hours at the time and one-half rate for September 1, 1955.

OPINION OF BOARD: This claim is for 8 hours at the punitive rate for September 1, 1955, by virtue of the alleged failure of the Carrier to use the claimant named on his regularly assigned position in the absence of the regular relief employe and the lack of an available senior extra idle employe.

The position in question is a 7-day position to which the claimant here is assigned for 5 days with Thursday and Friday as rest days. There was a regular relief employe who occupied the claimant's position on the above enumerated rest days; however, on the date in question, the said relief employe was on vacation and there was no available senior idle extra employe.

It is the opinion of the Board that the controlling factual situation here present, including those enumerated above, when considered in light of the cited rules, is comparable to those considered and applied in Docket No. 46.

For the reasons stated and to the extent indicated in Award No. 46, this claim is denied.

FINDINGS: The Special Board of Adjustment No. 117, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act as approved June 21, 1934.

That this Special Board of Adjustment has jurisdiction over the dispute involved herein; and,

That the Carrier did not violate the effective agreement.

Award No. 47
Docket No. 47

AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 117

~~Livingston Smith~~
Livingston Smith - Chairman

C. O. Griffith
C. O. Griffith - Employee Member

G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
July 31, 1956

