

SPECIAL BOARD OF ADJUSTMENT NO. 132

PARTIES: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 69

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on Monday, November 15, 1954, it used Mr. H. F. Muir, regularly assigned third trick operator-clerk at Punxsutawney, at Juneau, Pennsylvania, from 2:00 p.m., to 8:00 p.m., and allowed him only six hours' pay at the rate of time and one-half instead of eight hours' pay at the rate of time and one-half.

2. Carrier be required to compensate Mr. H. F. Muir for pay for two additional hours at the rate of time and one-half for services performed on November 15, 1954, that being the difference between what he was paid and what he should have been paid on said date.

FINDINGS:

Claimant was the regularly assigned third trick operator at Punxsutawney, Pa., hours 11 P.M. to 7 A.M., Saturday and Sunday rest days. He was used as an operator at Juneau from 2 P.M. to 8 P.M. on Monday, November 15, 1954. He was paid six hours at punitive rate and claims an additional two hours.

There is no question about the fact that claimant was in rest day status when he performed the work involved at Juneau.

Section IV of the Supplement to Decision 5 of the Forty Hour Week Committee governing compensation for employees who are required to work on their assigned rest days reads as follows:

"Time worked before or after the hours of the regular week day assignment shall be paid for in accordance with the overtime provisions of Rule () or the call provisions of Rule ()."

The same considerations outlined in our Findings in Award 75 impel the conclusion that the above-quoted rule determines the compensation to be paid the claimant. In other words that he should be compensated on the basis of the Call Rule (Article 18 of the Agreement).

AWARD

Claim denied.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland this 26th day of April, 1957