

SPECIAL BOARD OF ADJUSTMENT NO. 266

406-3

THE ORDER OF RAILROAD TELEGRAPHERS

AWARD NO. 55
CASE NO. 95
417/ 2-2-B
(118-58)

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM:

"On December 23, 1957 instructions were issued that the office would be closed and said positions at Scranton Yard, i.e., 1st, 2nd and 3rd tricks would not work, and similar instructions were issued on Dec. 30, 1957 covering Jan. 1, 1958, all of which were seven (7) day positions (Assignments), and in violation of our current Agreement.

Because of this handling, which is in violation of our Agreement, this is claim in favor of W. G. Dougher, incumbent of 1st trick (some previous handling is reflected in Docket TE-9817) operator position at Scranton Yard for 20 hours pay at \$2.404 an hour or \$48.08, less amount paid on December 25, 1957 and January 1, 1958, and the same coverage in favor of J. J. McCormick, Jr. on 2nd trick (regular cycle relief man) on Dec. 25, 1957 and Jan. 1, 1958 and all subsequent holidays, when incumbents of said positions are subject to similar violations.

On 3rd trick which is the rest day of regular incumbent, to be protected from the extra board, on Dec. 25, 1957 and January 1, 1958, this is claim in favor of the incumbent on such dates, providing he qualifies for 20 hours holiday pay, for 20 hours pay at \$2.404 an hour or \$48.08 less amount already paid, on Dec. 25, 1957 and Jan. 1, 1958, as well as on all subsequent holidays, when similar violations take place."

OPINION OF BOARD:

The question raised concerning the incumbent of the first trick position at Scranton Yard has been decided in Award 52. Additional compensation in the amount of 8 hours pay at pro rata rate is due claimant J. J. McCormick, Jr., regular relief man on the second trick at Scranton Yard, for each blanked holiday as stated in the claim. No compensation is due any extra employee who would have filled the third trick position at this location on a holiday had said position not been blanked. The regular incumbent of this position (including such regular relief man who may have been so assigned) is entitled to additional compensation

amounting to 8 hours pay at pro rata rate for each blanked holiday in this position occurring after Jan. 1, 1958 and which falls on a workday of said employee's work-week. The additional compensation here awarded does not apply in the event the subject second and third positions are reduced to five or six day positions.

AWARD: The award is as stated above.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

/s/ W. I. Christopher
W. I. Christopher, Employee Member

/s/ R. A. Carroll
R. A. Carroll, Carrier Member

New York, N. Y.
Nov. 25, 1959

PARTIAL DISSENT

The partial dissent entered by the undersigned to Award No. 52 also applies to this award. The correct rate is time and one-half.

/s/ W. I. Christopher
Employee Member

