

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM:

"On December 23, 1957 instructions were issued that the Vestal Office would be closed and said positions would not work on Dec. 25, 1957, and similar orders were issued on December 30, 1957 covering Jan 1, 1958 - the contracted for rates on seven (7) day positions on holidays (Dec. 25, 1957 and Jan. 1, 1958) is 20 hours at the going straight time rate.

Because of this handling, which is in violation of our current agreement, this claim in favor of C. E. Folk, incumbent of the Agent-Operator position at Vestal, for 20 hours pay at \$2.296 an hour for \$45.92, each date, less the amount paid on Dec. 25, 1957 and Jan. 1, 1958, then on a continue basis on each subsequent holiday when similar violations take place, and similar claim in favor of P. Warner (or incumbent of clerk-operator position) assigned to work as Clerk-Operator at Vestal on Dec. 25, 1957 and Jan. 1, 1958 in the amount of \$44.72, on each date, less the amount paid on subsequent holidays when similar violations take place, the applicable Articles being 8, 11 and 24 of said agreement."

OPINION OF BOARD:

This claim is sustained to the extent of additional compensation in the amount of 8 hours pay at pro rate rate for each claimant for blanked holidays beginning on Dec. 25, 1957, such additional compensation to apply only so long as such positions continue to be filled seven days per week.

AWARD: Claim sustained to the extent indicated 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. 24, 1959

PARTIAL DISSENT TO AWARD NO. 57

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