

AWARD NO. 76  
Docket No. 76

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement by failing to allow the Extra Gang Laborers on Extra Gang No. 2, Missouri Division--W. B. Wilshire et al eight hours' pay at the straight time rate as holiday allowance for Thanksgiving Day of 1958.

(2) That, the Extra Gang Laborers of Extra Gang No. 2, Missouri Division --W. B. Wilshire et al were improperly laid off on December 1, due to adverse weather conditions.

(3) That the Claimant Extra Gang Laborers be now compensated for eight hours' pay account of the claim for holiday allowance--Thanksgiving Day 1958--and eight hours' straight time pay on account of the Carrier's failure to assign to allow these employees to work on December 1, 1958.

FINDINGS: The question of whether to have Extra Gang No. 2 work on Monday, December 1, 1958, was a matter of judgment in view of the weather conditions preceding that day and existing that morning. Such judgment is to be exercised by the Carrier, and in the absence of a guarantee rule, the claim for December 1 is without merit.

Under the Holiday Agreement requiring that compensation be credited to the work day preceding and following the holiday, the claim for holiday pay for Thanksgiving cannot be sustained.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(s) Dudley E. Whiting  
Dudley E. Whiting - Chairman

(s) A. J. Cunningham  
A. J. Cunningham - Employee Member

(s) G. W. Johnson  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 7, 1962  
File E 247-3744