

COPY

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

MISSOURI PACIFIC RAILROAD COMPANY
(Gulf District)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad (Gulf District), that:

- (1) Carrier violated the Agreement in failing and refusing to allow L. C. Poulan, who was on vacation August 30 to September 17, 1957 (inclusive), proper compensation in accordance with Agreement rules, for such vacation period.
- (2) Carrier shall now be required to pay L. C. Poulan, in addition to amount heretofore allowed, an additional sum equivalent to eight hours at time and one-half pro rata rate for such vacation period."

OPINION OF BOARD:

Claim is made for pay at the time and one-half rate, for one day, September 2, 1957, such day being Labor Day, a holiday recognized by the parties to the Agreement.

Claimant during his allowed vacation period, August 30 to September 17, 1957, was relieved properly, but has made claim for all allowances paid the relief operator during such period. On September 2, 1957, this being Labor Day, and a regular work day on claimant's assignment, the Carrier allowed the relief operator pay at the pro rata rate for one day plus time and one-half for one day as provided by the Agreement for holiday service. Carrier did not allow the incumbent claimant the holiday time and one-half pay.

It is alleged by the Organization and not disputed by Carrier, that the claimant herein was regularly assigned to a position which required service to be performed seven days a week, and it is alleged by the Organization and conceded by Carrier that the occupant of the said position had heretofore been required to work on holidays. The Board is of the opinion that such work on the day involved here, constitutes assigned overtime on the position rather than casual or unassigned overtime. This being true, such assigned overtime should be included in the compensation paid the employee while on vacation during the period involved.

FINDINGS: Claim here is supported by facts and circumstances similar to those in Award No. 4, Special Board No. 239, on this property.

AWARD: Claim sustained.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

/s/ R. K. Anthis
R. K. Anthis - Organization Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri