



AWARD NO. 55
DOCKET NO. 55
CASE NO. 2708

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that;

1. Carrier violated the Agreement between the parties when it arbitrarily diverted Telegrapher S. W. Clark from Position No. 10, 'GM' Telegraph Office, St. Louis, Missouri, to the position of Assistant Manager in that office on August 28, 1957.
2. Carrier caused Claimant Clark to lose the day of September 2, 1957, a holiday, for which he would have been paid eight hours at the time and one-half rate.
3. Carrier shall now compensate Claimant S. W. Clark for eight hours at the time and one-half rate of Position No. 10, 'GM' Telegraph Office, St. Louis, Missouri for September 2, 1957."

OPINION OF BOARD:

On July 29, 1957, the claimant, who is an extra telegrapher, was called to fill a temporary vacancy on telegrapher position No. 10, Carrier's "GM" Relay Office, St. Louis, Missouri. This position had assigned hours 10:00 A.M. to 6:00 P.M., Saturday through Wednesday, rest days Thursday and Friday. The claimant worked position No. 10 from July 29, 1957 to August 27, 1957, and on August 28, 1957 was moved to the temporary vacancy on the position of Assistant Manager, work week Monday through Friday, rest days Saturday and Sunday.

The Organization enters claim here for eight hours' compensation at the time and one-half rate because the position of Assistant Manager, to which the claimant was moved on August 28, 1957, was not required to work on Labor Day Holiday, Monday, September 2, 1957, whereas position No. 10, from which he was moved, was required to work said holiday.

It is clear from the record that the Carrier had the right to move the claimant from the temporary vacancy on position No. 10 to the temporary vacancy on the position of Assistant Manager, the latter position paying a daily rate of 84¢ in excess of the rate of position No. 10. It is also clear that an extra telegrapher thus moved takes the conditions of the position to which moved, including work days and rest days of that position.

From these facts the Board concludes that the claimant here was properly required by the Carrier to move from position No. 10 to the Assistant Manager

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position and he was not deprived of any work to which he was entitled by Agreement.

FINDINGS: Carrier did not violate the Agreement.

AWARD

Claim denied.

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/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
June 10, 1960

File 380-1826