

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT

OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on the New York, New Haven & Hartford Railroad that:

1. Carrier violated the prevailing Agreement between the parties when, on February 22, 1959 it refused to permit employees entitled to perform service under the terms of the Agreement to do so at Davisville, Cranston and Kingston, all within the state of Rhode Island; and

2. Messrs. D. J. Houston, G. A. Benard and J. F. Sheridan, or such other extra employee found available, qualified and entitled to perform the required service, shall be paid the equivalent of one day's (8 hours) pay at the rate of the respective positions. In the event that the employees named, or any other extra employee is found to have been unavailable for any reason, the regularly assigned employee on rest day shall be so paid."

FINDINGS:

At Cranston, Kingston and Davisville, R. I., signal stations the third trick operator positions are worked by a regular assignment Monday to Friday, blanked on Saturday, and covered by an extra man on Sunday under Article 4A (e). On Sunday, February 22, 1959 the Carrier did not schedule any extra men to cover such jobs because of the reduction of service occasioned by the holiday.

The guarantee rule, Article 3, applies only to "regular assigned employees" not to positions or extra employees. The rules governing the use of extra employees and work on rest days of assignment use terms such as "where work is required" or "to do work necessary on rest days." There is no evidence that any work was required, necessary or performed so there is no basis in the rules for this claim.

AWARD: Claim denied.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman

RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Duffy

J. J. DUFFY, Carrier Member

DATED: June 13, 1961