

SPECIAL BOARD OF ADJUSTMENT NO. 355

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 278

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on Sunday, March 10, 1963, it failed to call Operator R. H. Sholes to perform work of his position required on a rest day.
2. Carrier shall compensate R. H. Sholes in the amount of a 3-hour call payment for March 10, 1963.

FINDINGS:

The Organization here relies on our Award in Docket No. 112. In that case we had a three-trick office with rest days Sunday and Monday. Service performed on Sunday and Monday is not a part of any regular assignment.

In this case we have a two-trick office open from 7:00 A.M., to 11:00 P.M., Monday through Saturday, closed on Sunday. Service performed on Sunday is not a part of any regular assignment.

The basis of claim in Docket No. 112 was that the Carrier, on the date specified, did not use the claimants to perform work of their regular positions when it was required on their rest days.

The claim here before us is that when the Carrier required work on the Sunday rest day of the positions and it called out extra operator Bell at 9:01 A.M., it should not have permitted him to work until 5:01 P.M.; that it should have released Bell at 3:00 P.M., and called another extra operator, or summoned the regular operator on a call basis, to cover the service required on the second trick.

The basis of our action in sustaining the claim in Docket No. 112 was:

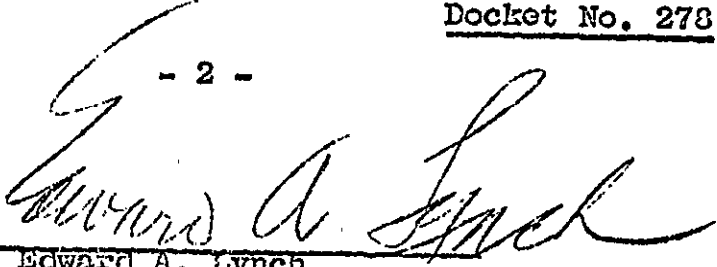
"When Carrier requires that work be performed on the rest days of positions, the work must fall within the established time limits of the position or positions required to be worked."

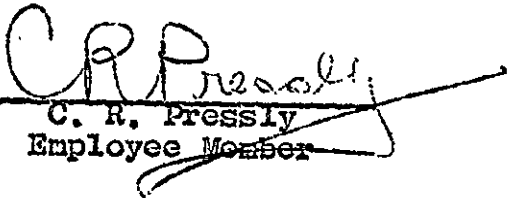
It is Docket No. 112 that is the case in point here, not No. 109.


A W A R D

Claim sustained.

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Edward A. Lynch  
Chairman

  
C. R. Pressly  
Employee Member

  
E. E. Platt  
Carrier Member

Dated at Baltimore, Maryland  
this 16th day of September, 1964.