

Award No. 25
Case No. 25
NRAB Case ---

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS)
vs.)
NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT)
(except Boston and Albany Division) and)
NEW YORK DISTRICT)

STATEMENT OF CLAIM:

1. Carrier violated the terms of the Telegraphers' Agreement when it required Mr. G. F. Merkley, Jr., the incumbent of Relief Position No. 3, at Interlocking-100, Rensselaer, N. Y., to suspend work on his assigned position and required him to work the hours of the 2nd trick position at the said location on August 7 to 11, 1959.
 - (a) Because of the violation the Carrier shall be required to compensate Mr. Merkley the difference between the pro rata rate paid to him and the punitive rate due him for work performed on the 2nd trick position at Interlocking-100 on August 7, 10 and 11, 1959.
 - (b) Carrier shall compensate Mr. D. B. Ogden, a regular assigned employe on the rest days of his position, eight (8) hours punitive pay for not being called to perform work on the second trick at Interlocking-100, on August 7, 1959.
 - (c) Carrier shall, also, be required to compensate Mr. Fred Woelfersheim, a regular assigned employe on the rest days of his position eight (8) hours punitive pay for not being called to perform work on the 2nd trick at Interlocking-100, on August 10 and 11, 1959.

OPINION OF BOARD:

Claimant Merkley was required to suspend work on his assigned position and to work the hours of the second trick position at the subject location on August 7 to 11, 1959 due to an emergency condition created by the illness of the employee regularly assigned to the second trick position. There is no showing of any loss of pay caused by the Carrier's action in diverting Merkley to the second trick position, nor is there any basis shown for the compensation requested for the other employees named in the claim.

AWARD :

Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Chairman

/s/ L. Faulds
L. Faulds, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member

June 25, 1963