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Award No. 22
Docket No. 22

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. Carrier violated the Clerks' Agreement when, on December 31, 1956, it arbitrarily and without agreement with the Division Chairman, changed by three days' notice the ten-day vacation period of Clerk J. S. Boucher, Atchison, Kansas, from a starting date of January 3, 1957, to that of February 7, 1957, in violation of Articles 4(a) and 5 of the National Vacation Agreement of December 17, 1941, and the Memorandum of Understanding dated August 7, 1952, printed on page 80 of the Clerks' Agreement;
2. Claimant Clerk J. S. Boucher shall be compensated by the Carrier for the difference between the pro rata rate of \$15.96 which he was allowed and the punitive rate of \$23.94 to which he was entitled, a difference of \$7.98 per day for ten days, amount \$79.80, for January 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14, 1957, which was his assigned vacation period set up under the provisions of Article 4(a) of the National Vacation Agreement dated December 17, 1941, and the Memorandum of Understanding dated August 7, 1952, on page 80 of the Clerks' Agreement.

FINDINGS: The action of the respondent in not allowing the claimant to take his vacation on the date it was initially scheduled was consistent with "the requirements of the service" and arose as a result of existing emergency conditions within the meaning of the vacation provisions of the existing agreement.

For the reasons stated, this claim is not meritorious.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 166

/s/ Livingston Smith
Livingston Smith - Chairman

/s/ Ira F. Thomas
I. F. Thomas - Employee Member

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

St. Louis, Missouri
September 20, 1957