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SPECIAL BOARD OF ADJUSTMENT NO. 167

AWARD NO. 12

Organization's File

Carrier's File

103-C-12

CL-51-55

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

"(1) The rules of the current Agreement were violated on July 31, 1955, when Engine Dispatcher-Caller Dareo Mattivi was not paid eight (8) hours at the punitive rate for working from 9:20 A.M. to 4:00 P.M., on his rest day.

"(2) That Engine Dispatcher-Caller Mattivi be paid for one hour and twenty minutes additional at the punitive rate for July 31, 1955."

FINDINGS: Claimant engine dispatcher was called on his rest day to relieve on and complete his regular shift because the relief employe became ill and no extra employe was available. He was paid for the time actually worked at overtime rate and claim is made for compensation at overtime rate for the full eight hours of the shift.

Rule 37 (e), Service on Rest Days, reads:

"Service rendered by employes on their assigned rest days shall be paid for under Rule 38 unless relieving an employee assigned to such day in which case they will be paid for eight hours at the rate of the position occupied or their regular rate, whichever is higher."

Claimant relieved the regularly assigned relief clerk who was assigned to such day, therefore, is entitled to pay for the full eight hours.

AWARD: Claim sustained.

/s/ Mortimer Stone
Mortimer Stone
Chairman, Neutral Member

/s/ Wm. J. Donlon
Wm. J. Donlon
Organization Member

/s/ D. L. Clavel
D. L. Clavel
Carrier Member