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Docket No. CL-676.1
Award No. 3

SPECIAL BOARD OF ADJUSTMENT NO. 172

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

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

- (a) Carrier violated and continues to violate the established practices in effect since December 7, 1944 when, on December 21, 1954 it discontinued without conference or agreement the vacation stipulations covering Employees absent because of personal illness or injury;
- (b) Carrier be required to restore the above practices and that all affected Employees within the scope of the Clerks' Agreement be reimbursed for each vacation day that they have been deprived of until the practice is again restored.

FINDINGS

It is clear that the specific provisions of Article I, Section 1(f) of the Agreement of August 21, 1954 relating to the maximum days to be allowed on account of sickness or injury on the job for vacation qualification, supersede prior practices and established policies thereon. Accordingly, there can be no question but that such provisions govern vacation qualification for the calendar year 1954 and subsequent years.

Carrier has conceded that those provisions are not to be applied retroactively, and on such basis the specific claims involved will be settled by the parties.

AWARD

Claim denied, except for agreement of parties to settle specific items involved.

SPECIAL BOARD OF ADJUSTMENT NO. 172

/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

/s/ Wm. A. Palmatier
W.A. Palmatier - Employee Member

/s/ J. J. Duffy
J.J. Duffy - Carrier Member

Jersey City, N. J.
March 19, 1957