

SPECIAL BOARD OF ADJUSTMENT NO. 186

AWARD NO. 4

Organization's File

R-935

Carrier's File

TE-1-56

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on The Denver & Rio Grande Western Railroad that:

"(1) The Carrier violated the provisions of the Telegraphers' Agreement when it refused to compensate Telegrapher B. H. Peterson at the holiday rate for working November 24th, 1955, a legal holiday, at Ogden Transfer.

"(2) The Carrier shall now pay Telegrapher B. H. Peterson for an additional eight hours' pay at a pro rata rate for working Thanksgiving Day, November 24th, 1955, at Ogden Transfer."

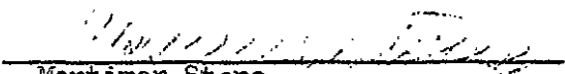
FINDINGS: Claimant was assigned to the extra board on the Salt Lake Division and was assigned to fill a vacancy from November 23, to November 30, 1955, as telegrapher at Ogden, Utah, and was required to work as such on Thursday, November 24, Thanksgiving Day. He was compensated for that work at time and one-half rate and claims that he should have been additionally compensated for eight hours at pro rata rate for such service, under rule requiring that "Each regularly assigned hourly and daily rated employe shall receive eight hours' pay at the pro rata hourly rate of the position to which assigned" for Thanksgiving when that holiday falls on a work day of the work week of the individual employe.

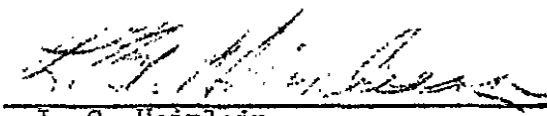
The term "regularly assigned employe" has a very definite and well understood meaning and it does not include a man assigned to a position from the extra board. The rule seems to be plain and unambiguous and a careful review of the portions of the transcript of the report of the Presidential

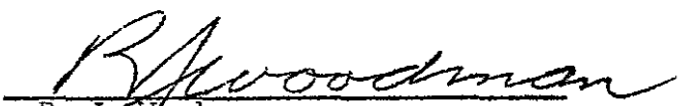
Award No. 4 (Continued)

Emergency Board recommending the rule is not convincing of any intent to use the term otherwise than as usually applied. Former awards both of the Third and Second Divisions of the Railway Labor Board have so construed it and we should be guided by those decisions.

AWARD: Claim denied.

  
Mortimer Stone  
Chairman, Neutral Member

  
L. G. Heinlein  
Carrier Member

  
R. J. Woodman  
Organization Member

Dated at Denver, Colorado, August 30, 1957.