

SPECIAL BOARD OF ADJUSTMENT NO. 192

PARTIES:

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY



AWARD IN DOCKET NO. 19

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

(1) Carrier violated the National Vacation Agreement as revised on August 21, 1954, effective with January 1, 1954, copy of which is in the hands of your Honorable Board, and

(2) That E. Saunders, T. H. Miles and Dorothy E. Ballman be compensated for a day's pay at the pro rata rate for the holiday that was charged against them during their vacation periods in 1954.

FINDINGS:

The sole issue in this docket is whether or not the Carrier violated the August 21, 1954 Vacation Agreement in charging July 5, 1954 (Independence Day) and Monday September 6, 1954 (Labor Day) against vacation credits under the National Vacation Agreement as amended by the August 21, 1954 Agreement.

The employees contend that the retroactive feature of the August 21, 1954 Agreement does not permit taking vacation credit for days which were not formerly so considered when vacation had already been scheduled and granted in accordance with the earlier vacation agreement. We see no merit in this contention since the 1954 Vacation Agreement clearly provided for amending the December 17, 1941 Agreement in this respect effective January 1, 1954. This same conclusion has been reached in Awards of Special Boards of Adjustment and of the Third Division NRAB.

AWARD

Claims (1), (2) denied.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

E. J. Hoffman
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland, this
18th day of February, 1959.