

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. 23



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

(a) The Carrier violated the provisions of Article I, Section 1(f), of the August 21, 1954 Agreement signed at Chicago, Illinois, when it denied Janitress Ethel Griffin, Grand Central Station, Chicago, Illinois, one week's vacation in 1955, and

(b) That Claimant Ethel Griffin now be compensated at the penalty rate for five working days in lieu of vacation not granted in the year 1955.

FINDINGS:

The sole question involved in this dispute is whether or not in determining eligibility for vacation, days on which the claimant rendered no service because of being on maternity leave are to be treated the same as days on which no service was rendered because of sickness. There is nothing in the record to indicate that there were any abnormalities or complications in claimant's pregnancy.

There is no need to discuss the varying contentions of the parties with respect to this issue. Without an express clause so stating absence on maternity leave should not be considered the same as absence because of sickness, since it is generally considered that a normal pregnancy is not a sickness. That this is so is evidenced by the fact that in another part of the Agreement between the parties (Rule 49 governing leaves of absence) absences because of sickness are treated differently from maternity leaves.

AWARD

Claim (a), (b) denied.

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

/s/ E. J. Hoffman  
E. J. Hoffman  
Employee Member

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

Dated at Baltimore, Maryland this  
17th day of February 1959.