

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. 29

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

(1) Carrier violated the Rules of the Clerks' Agreement when it failed to call Cashier Paul E. Kelly on Christmas holiday, December 25, 1954, instead of having certain work performed by the Supervisory Agent at Mitchell, Indiana, on that day, and

(2) That Carrier shall now compensate Paul E. Kelly for one day's pay at penalty rate for December 25, 1954.

FINDINGS: It is clear that work normally performed on claimant cashier's position was performed by the Supervisory Agent at Mitchell, Ind. on Saturday, December 25, 1954. Carrier declined to pay the named claimant on the ground that the holiday fell on a Saturday which was not one of the workdays of the claimant's regularly assigned work week. Carrier concedes that if a claim for the Extra Clerk had been timely made that it would be good.

It may be conceded for purposes of argument that the Extra Clerk had a preferential right to the work on Christmas Day. However, that is no concern of the Carrier in this case. The extra clerk is not making any claim and the Carrier cannot be required to pay twice for the same violation. This has been held very frequently in Third Division NRAB Awards.

AWARD

Claim (1) and (2) sustained.

/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
18th day of February, 1959.