



CASE NO. 8  
ORT FILE 2297

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT

OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on The New York, New Haven & Hartford Railroad, that:

1. The Agreement between the parties was violated when, on May 20, 1956 Carrier improperly assigned T. Cantwell, regular occupant of the position of Agent, Springdale, Connecticut, to perform extra service as Ticket Agent, Stamford, Connecticut, on the rest day of his (Cantwell's) regularly assigned position at a time when V. E. Gay, qualified senior extra employee was available but not used.

2. V. E. Gay shall now be compensated the equivalent of one day's pay (eight hours), at the rate of the position of Ticket Agent, Stamford, in addition to any other pay he received on that day, because denied service to which entitled."

FINDINGS: There is no rule which prohibits and the parties agree that the Carrier has the right to assign spare men to meet the necessities of the service, notwithstanding the fact that they may be on hold-downs.

To meet the requirements of the service it was necessary to have a third trick operator at Signal Station 14 at Pelham Bay. The regular occupant of that position was scheduled to start his vacation on May 20, 1956. Under the vacation agreement if the Carrier found it could not release him for vacation, because of the requirements of the service, it could require him to remain at work.

Thus it appears that there were two methods of meeting the necessities of the service available to the Carrier. It elected to assign Gay, who was an extra man on a hold-down. Since the agreement does not prohibit that assignment, there is no basis for the claim.

AWARD: Claim denied.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman

RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Gaherin

J. J. GAHERIN, Carrier Member

DATED: October 7, 1960