

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railway, Airline and Steamship Clerks,
TO) Freight Handlers, Express and Station Employees
DISPUTE) and
Lehigh Valley Railroad

QUESTIONS

- AT ISSUE:
- (1) Did Carrier violate the provisions of the February 7, 1965 Agreement, Article IV, Section 1, when it refused to include in the normal rate of compensation for protected employe Edward R. Mendyke the overtime compensation which he received on each and every Saturday in the regular position to which he was assigned on October 1, 1964?
 - (2) Did Carrier violate the provisions of the February 7, 1965 Agreement when it refused to allow Edward R. Mendyke, Clerk at Buffalo, New York, the normal rate of compensation of the position to which he was regularly assigned on October 1, 1964 following his displacement from this position on or about March 19, 1965?
 - (3) Shall the Carrier now be required to allow Mr. Mendyke the normal rate of compensation (including assigned overtime) for the position to which he was regularly assigned on October 1, 1964, commencing with April 1965 and continuing until such time as he is properly compensated in accordance with the Agreement provisions?

OPINION

OF BOARD: The facts indicate that from December, 1962, until displaced on March, 1965, the Claimant was regularly assigned to the Clerk position at Buffalo. The Bulletin for said position provides for a rate of pay of \$492.69 per month for the assigned hours. In addition, there is also included a three hour call period Saturdays.

The issue involved herein concerns the question whether under Article IV, Section 1, in calculating the normal rate of compensation, the three hours overtime pay should be included therein. In support thereof, the Organization contends that the Claimant received such overtime from the time he started working on this position in 1962, until displaced; and that the present incumbent has received the same since that period of time.

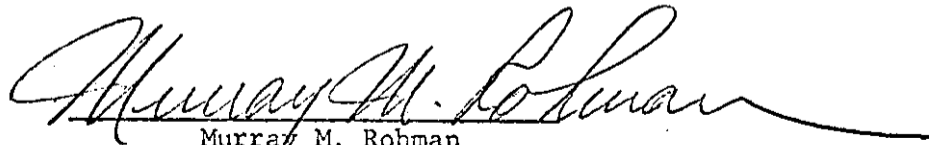
In our view, such overtime is included in the normal rate of compensation for the reasons set forth in Case No. CL-22-W, Award No. 46 and Case No. CL-29-W, Award No. 47, Special Board of Adjustment No. 605.

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We are, therefore, adhering to our conclusion reached therein and incorporate by reference the pertinent portions thereof.

Award:

Answer to questions 1, 2 and 3 is in the affirmative.


Murray M. Rohman
Neutral Member

Dated: Washington, D. C.
April 18, 1969