

PUBLIC LAW BOARD NO. 3195

PARTIES) NORFOLK AND WESTERN RAILWAY COMPANY
TO)
DISPUTE) UNITED TRANSPORTATION UNION-T

STATEMENT OF CLAIM: Claim for payment of one day at local freight rates in favor of Radford Division Conductor E. C. White, Brake-men R. A. Hall and B. L. Switzer, account not receiving holiday pay for working Washington's Birthday, February 21, 1983.


FINDINGS: This Public Law Board No. 3195 finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute, the claimants were regularly assigned to the Salem shifter. The Salem shifter is advertised to run between Roanoke and Narrows, Virginia, a total distance of 140 miles round trip. The Organization contends that the run has not exceeded 100 miles in the last four years. Submitted is a statement by Conductor E. C. White, who stated that he was presently assigned Conductor on the Salem shifter, except for a six-months period, for the past four years. During all that time, he testified the only time the crew ran west of Elliston, Virginia, Mile Post 277.4, was to assist in clearing up a derailment on the Blacksburg Branch.

The Organization cited two awards by this referee which held that although the runs may be assigned over 100 miles, if they were in effect confined to 100 miles, the employees were entitled to the holiday pay. The Carrier alleges that the claimants' regular assignment is assigned to run over 100 miles and that the employees are compensated for 100 miles whether they actually travel to the total advertised limits, or whether they just travel 24 miles. The holiday Agreement does not state assigned to runs over 100 miles, but confined to 100 miles or less.

AWARD: Claim sustained.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Union Member


Carrier Member

August 30, 1984