

Award No. 2158

Docket No. 2023

2-MP-CM-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2 RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That in accordance with the applicable agreements the Carrier be ordered to compensate Leon Seredynski, retired Carman, five (5) additional days' vacation pay.

EMPLOYEES' STATEMENT OF FACTS: Leon Seredynski, hereinafter referred to as the claimant, was employed by the Missouri Pacific Railroad Company, hereinafter referred to as the carrier, as a carman at North Little Rock, Arkansas. The claimant had fifteen (15) qualifying years of service for vacation purposes at the time he retired on January 1, 1954, in accordance with the provisions of the Railroad Retirement Act.

Claimant's last day of compensated service was on December 31, 1953, and prior to retiring on January 1, 1954, the claimant had qualified for a vacation in the year 1954 by rendering compensated service of not less than one hundred thirty-three (133) days during the preceding calendar year of 1953.

After he had retired, the claimant was paid by the carrier in an amount of money equivalent to ten (10) days' vacation, but was denied an additional five (5) days' vacation pay.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company, with the result that he has declined to adjust it.

The agreements effective September 1, 1949, and the vacation agreement of December 17, 1941, as they have been subsequently amended, are controlling.

POSITION OF EMPLOYEES: The employes submit and contend that Article 8 of the vacation agreement of December 17, 1941, is controlling, which for ready reference reads:

above, in reaching the conclusion that a third week of vacation is due a person who retired in 1953.

The carrier submits that this claim is not supported by the agreement and is entirely lacking in merit. Therefore the claim should be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

Claimant was employed by and remained in the service of the carrier for more than fifteen (15) years. He retired on January 1, 1954, in accordance with the provisions of the Railroad Retirement Act, his last day of compensated service being December 31, 1953. Prior to retiring on January 1, 1954, effective December 31, 1953, claimant had qualified for a vacation in 1954 by rendering compensated service in excess of one hundred and thirty-three (133) days in 1953. Upon retirement, claimant was paid the equivalent of ten (10) days' vacation for 1954. The claim is that he is entitled to the equivalent of fifteen (15) days' vacation.

The issue here presented is controlled by Award 2151, (Docket 1954). On the basis of the reasoning of that award, an affirmative award is here required.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June, 1956.