

Award No. 5063

Docket No. 4060

2-L&N-CM-'67

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Paul C. Dugan when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 91, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That bulletin board notices posted at Nashville (Radnor Shops), Tennessee on August 25, furloughing employes in the Car Department, effective September 2, 1960, were in violation of the current agreement.

2. That the carrier improperly denied holiday pay to part of the employes affected by these bulletins for Labor Day, September 5, 1960, and

3. Accordingly the carrier should be ordered to additionally compensate such employes, namely: Carmen G. T. Parker, E. B. Tidwell, W. R. Carter, L. C. Hutton, J. O. Garland, F. J. Lewis, L. P. Peach, H. B. Honeycutt, J. D. McDonald, M. H. Hicks, A. T. Gregory, W. E. Judd, J. R. Arnold, A. E. Presley, J. H. Wiseman, C. W. Edmondson, C. G. Lucas, H. M. Bingham, P. R. Brown, G. G. Ashley, W. T. Brown and T. McQuiston; Upholsterer B. L. Lannom; Upgraded Carmen Helpers J. B. Stokes, J. L. Anderson, W. F. Cartwright, D. L. Harper, C. L. King, S. T. Bolton, M. H. Hedgepath, L. Donoho, and G. B. Petway; Upgraded Carman Apprentice H. W. Brown; for 8 hours each at pro rata rate.

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.

Parties to said dispute were given due notice of hearing thereon.

This Labor Day, September 5, 1960, holiday pay dispute involves 33 Claimants (22 Carmen, 1 Upholsterer, 9 Upgraded Carmen Helpers and 1 Upgraded Carmen Apprentice).

Claimants were furloughed on September 2, 1960 and were not called for duty on the workday following the holiday. The sole issue in this dispute, regarding "availability" of Claimants on the workday following the holiday as required by the 2nd paragraph of Section 3, Article III, of the 1960 Agreement, was decided by this Division in Award 5061, and inasmuch as said award is controlling, these claims will be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March, 1967.

[For Carrier Members' dissent see Award 5061]