



Award No. 5085

Docket No. 4821

2-SLSF-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. 22, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen**

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the current agreement was violated when the Carrier failed to compensate Carmen J. D. Montgomery, Clyde Munson, R. W. Weisman, L. L. Keithley, Hilmer C. Winter and Fred Newton each for holiday pay of eight hours for December 25, 1963 and January 1, 1964.

2. That accordingly the Carrier be ordered to compensate the above named Carmen eight (8) hours pay for December 25, 1963 and eight (8) hours pay for January 1, 1964.

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 holiday pay dispute for Christmas Day, December 25, 1963, and New Year's Day, January 1, 1964, involves (a) the provision of whether all five claimants herein were "available" for service under the provision of Section 3, Article III of the 1960 Agreement, and (b) whether the claim of Carman Helper Newton is properly before this Board for failure to be included in the appeal to the highest designated officer of the Carrier.

Carrier's position that the claimants were not "available" for service because of failure to comply with the provisions of Article IV of the August

21, 1954 Agreement was rejected by this Division in Award 5061, and therefore said contention is without merit and must be rejected.

Further, as to claimant Newton's claim not being included in the appeal to the highest officer of the Carrier, this Board does not have jurisdiction of a claim that is not handled in the usual manner on the property, and therefore the claim of Carman Helper Newton must be dismissed for failure to comply with Article V 1(a) of the August 21, 1954 Agreement.

AWARD

Claim of Carman Helper Newton dismissed.

Claim of all other claimants 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.

[See Award 5061 for Carrier Members' dissent.]