

Award No. 5446**Docket No. 5283****2-SOU-CM-'68****NATIONAL RAILROAD ADJUSTMENT BOARD****SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Joseph S. Kane when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Southern Railway Company violated the controlling Agreement of April 3, 1965, when they denied birthday holiday pay to Carman A. C. Still, for Monday, July 19, 1965; Carman E. E. Pollard, for Friday, July 30, 1965; Carman F. McElrath, for Thursday, August 5, 1965; Carman J. F. Pressley, for Monday, July 26, 1965; Carman N. D. Shehan, for Thursday, August 12, 1965; Carman R. E. Newman for Thursday, July 29, 1965; Carman C. E. Cassady for Monday, August 9, 1965; Carman W. A. Black for Tuesday, August 10, 1965; and Carman H. A. Frazier for Monday, July 26, 1965; all of whom were employed at Hayne Car Shop, Spartanburg, South Carolina; hours of assignment being 7:30 A.M. to 4:00 P.M. Monday through Friday, rest days Saturday and Sunday.

2. That accordingly, the Southern Railway Company be ordered to compensate the aforesaid employes in the amount of eight (8) hours' pay at straight time rate for their respective birthdays as listed in part one (1) of the claim.

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.

The claimants, 9 named carmen, took their assigned vacation during the period July 19 through August 13, 1965 while the Hayne Shop was closed for group vacations.

Birthday holiday pay was claimed for the following days:

Claimant	Monday, July 19, 1965
Claimant	Monday, July 26, 1965
Claimant	Thursday, July 29, 1965
Claimant	Thursday, July 29, 1965
Claimant	Friday, July 30, 1965
Claimant	Thursday, August 5, 1965
Claimant	Monday, August 9, 1965
Claimant	Tuesday, August 10, 1965
Claimant	Thursday, August 12, 1965

The days of assignment were Monday through Friday, rest days Saturday and Sunday.

The claims were for an additional eight (8) hours' pay at straight time rate for their respective birthdays which occurred during their vacation.

This claim alleged in this dispute has been before the Board in Award No. 5442 wherein the same rules, facts and circumstances were denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of June, 1968.