



Award No. 5450
Docket No. 5309
2-CUT-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. 150, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

THE CINCINNATI UNION TERMINAL COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That Cincinnati Union Terminal Company violated the Controlling Agreement by improperly compensating Carman J. M. Frazier for his birthday-holiday, October 2, 1965, which occurred during his scheduled vacation.

2. That Cincinnati Union Terminal Company be ordered to additionally compensate Carman J. M. Frazier eight (8) hours at the pro-rata rate for his birthday-holiday, October 2, 1965.

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 waived right of appearance at hearing thereon.

The claimant was on vacation October 2 through October 13, 1965. He observed his birthday on Saturday, October 2, a vacation day of his vacation period, for which he was paid a day's vacation pay. The claimant's work week was Saturday through Wednesday, rest days Thursday and Friday.

The dispute arose over the failure of the carrier to compensate the claimant eight (8) hours' pay at the pro-rata rate for his birthday-holiday October 2, 1965 in addition to eight (8) hours at the pro-rata for his vacation pay.

The 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.

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