

Award No. 5584

Docket No. 5314

2-PC-FO-'68

**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. 103, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Firemen & Oilers)**

PENN CENTRAL COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the New York Central Railroad Company violated the controlling Agreement, when they refused to compensate Laborer Ben Barkley, for his birthday holiday, July 15, 1965, which was also a vacation day of his vacation period.

2. That accordingly the Carrier be ordered to additionally compensate Laborer Ben Barkley for eight (8) hours at the straight time rate of pay for his birthday holiday July 15, 1965, while on vacation.

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 waved right of appearance at hearing thereon.

Claimant contends that Section 6, Article II of the November 21, 1964 Agreement entitled him to an additional birthday pay of 8 hours at the pro rata rate inasmuch as his birthday occurred while he was on vacation, although he was paid vacation pay for said birthday. Similar issue and agreements were thoroughly discussed in Award Nos. 5230, 5328, 5414, 5454 and 5468, and finding said Awards not palpably erroneous and controlling in this dispute, we are compelled to deny the claim.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION**

**ATTEST: Charles C. McCarthy
Executive Secretary**

Dated at Chicago, Illinois, this 26th day of November, 1968.

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