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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6474
Docket No. 6364
2-PTRRA-CM-'73

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

Parties to Dispute: (System Federation No. 162, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Port Terminal Railroad Association

Dispute: Claim of Employees:

1. That the current agreement was violated when the Carrier failed to compensate Carman H. L. Sandoz holiday pay for New Year's Day, January 1, 1972.
2. That accordingly, the Carrier be ordered to compensate Carman H. L. Sandoz in the amount of eight (8) hours, at the straight time rate of pay, because of said violation.

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 employees 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.

Claimant worked and was paid for such work performed on the day preceding the January 1st holiday as well as for work on the day following the holiday. He was scheduled to work on January 1, but because of car trouble called to notify his Supervisor that he would be late in reporting. He was told that another Car-man had been called to replace him. He was not paid for the January 1 holiday.

The claim is based on Article III, section 3 of the August 19, 1960 Agreement. We have analyzed the language of section 3 and find that the only condition's precedent for holiday pay is that compensation must have been

credited to claimant for work-days immediately preceding and following the holiday. There is no requirement that he must work the holiday. We will therefore sustain the claim.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: _____

E. A. Killen

Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.