

The Second Division consisted of the regular members and in addition Referee Louis Yagoda when award was rendered.

Parties to Dispute: (System Federation No. 156, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(The Long Island Rail Road Company

Dispute: Claim of Employees:

That the Long Island Railroad Company violated the controlling Agreement when they failed to properly compensate Electrical Power Operator J. Czerniecki No. 17491, for services performed on November 27, 1971, which was during the pay period ending Tuesday, November 30, 1971, which was paid to Czerniecki on Thursday, December 9, 1971, containing a shortage of \$64.20.

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 were given due notice of hearing thereon.

A threshold issue of a procedural nature is raised by Carrier's contention that the actions were grieved 65 days after date of their occurrence. We agree with Employees' response that the date of occurrence on which this claim is based was Thursday, December 9, 1971 which was the first payday after the day on which the dispute centers - November 29, 1971, and the first day on which Carrier executed act - denial of additional payment for November 27, 1971 - to Claimant's knowledge. Therefore the claim dated January 24, 1972 was made within the required 60 days.

As to the merits of the claim, we agree with Carrier that the subject is one already decided by a substantial body of decision and for reasons with which we agree. We detect no difference in the applicable and controlling principles involved, from the fact that previous Awards have dealt with the absolute coincidence of the two holidays (birthday and general) on the same day and that, in the instant matter, the coincidence occurred because of the transposal of the Thanksgiving Holiday (because falling on a rest day) to the following working day, pursuant to Rule 5(c). By operation of the latter rule, "the following work day" stands in all respects in place of the actual Thanksgiving holiday as if that holiday had occurred on the substituted day together with the birthday holiday.

Form 1
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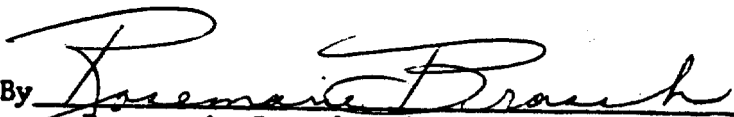
Award No. 6735
Docket No. 6469
2-LI-EW-'74

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of July, 1974.