

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 11309
SECOND DIVISION Docket No. 10903
2-CMSTP&P-CM-'87

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

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company violated the August 21, 1954, Section 3, Article II and the December 3, 1975, and the December 11, 1981 National Holiday Agreements when they refused to pay Carman S. Jenders "Holiday pay" for the holiday of December 26, 1983, namely Christmas Day.

2. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be ordered to pay Carman S. Jenders in the amount of 8 hours pay at the straight time (Holiday pay) rate of pay for the Christmas Day Holiday of December 26, 1983.

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 employes 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.

In this case, the Carrier denied the Claimant holiday pay for December 26, 1983, on the basis that he did not work on December 25, 1983. It contends that December 25th was a work day and because compensation was not credited to the Claimant for the work day preceding the holiday, he was properly denied holiday pay for December 26, 1983.

In denying the Claim, the Carrier relied upon its construction of Section 3, Article II of the August 21, 1954 Agreement which reads in part that:

"An employee shall qualify for the holiday pay provided in Section 1 hereof if compensation paid by the Carrier is credited to the work days immediately preceding and following such holiday."

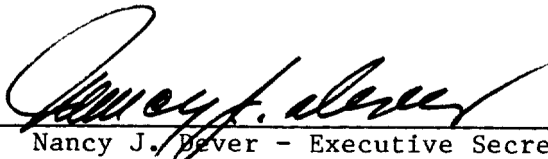
The Board finds that, in order to qualify for the claimed compensation, the employee must be compensated for time worked the day before and the day after a holiday. The Claimant met that requirement. There is no requirement, as held on many occasions by this Division, that the Claimant must work the holiday because he was scheduled to do so in order to receive holiday pay. (See, among others, Second Division Award No. 10683).

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 5th day of August 1987.