

Award No. 2150

Docket No. 2109

2-SLSF-MA-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Adolph E. Wenke when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 22, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Machinists)**

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement, Machinist Lee Roberts was improperly denied compensation for July 5, 1954.

2. That accordingly the carrier be ordered to compensate the aforementioned Machinist in the amount of eight (8) hours pay for July 5, 1954.

EMPLOYEES' STATEMENT OF FACTS: Machinist Lee Roberts, hereinafter referred to as the claimant, was employed as such by the St. Louis-San Francisco Railway Company, hereinafter referred to as the carrier at Springfield, Missouri. The claimant took his vacation from June 28, through July 12, 1954, which makes a total of 15 days. 4 days of the 15 were rest days and July 5, 1954 being a holiday was not counted as vacation days which resulted in the claimant receiving 10 working days' vacation. Monday, July 5, 1954, was a legal holiday and within the work week assignment of Claimant Roberts. Compensation was paid by the carrier and credited to the workdays immediately preceding and following such holiday.

The dispute was handled with carrier officials designated to handle such affairs who all declined to adjust the matter.

The agreement effective January 1, 1945, as subsequently amended, is controlling.

POSITION OF EMPLOYEES: It is submitted that under Article II, Section 1, of the August 21, 1954, agreement, reading:

"Section 1. Effective May 1, 1954, each regularly assigned hourly and daily rated employee shall receive eight hours' pay at the pro rata hourly rate of the position to which assigned for each of the following enumerated holidays when such holiday falls on a workday of the workweek of the individual employee:

The effective rules agreements and interpretations thereof, and the position of carrier, are exactly the same in both of these claims. Submitted herewith, and made a part hereof, is copy of carrier's submission in the ex parte claim filed covering Machinists Martin Kirchner, and the position of carrier as set out in the attached copy of submission is, by reference hereto, adopted as carrier's position in the claim of Machinist Helper Lee Roberts, as covered by this docket.

As shown by carrier in that submission, there is no merit to or agreement support for claim as set out in the employes' statement of claim, and carrier respectfully requests that such claim be denied.

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.

The parties to said dispute were given due notice of hearing thereon.

This claim involves the identical question decided by our Award No. 2149 in Docket No. 2086 except the claimant is different.

Here the claimant is Machinist Lee Roberts employed by the carrier at Springfield, Missouri.

For the reasons stated in Award No. 2149, we find the claim here made should be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June, 1956.