

Award No. 2152

Docket No. 1960

2-IC-EW-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That in accordance with the applicable agreements the Carrier be ordered to compensate G. B. Gustafson, retired Electrician, five (5) additional days' vacation pay.

EMPLOYEES' STATEMENT OF FACTS: G. B. Gustafson, hereinafter referred to as the claimant, was employed by the Illinois Central Railroad Company, hereinafter referred to as the carrier, on August 5, 1926. Claimant has been in the continuous employment of the carrier as an electrician from August 5, 1926, until retired on September 30, 1953, in accordance with the provisions of the Railroad Retirement Act.

Prior to retiring on September 30, 1953, the claimant had qualified for a vacation in the year 1954 by rendering compensated service on not less than one hundred thirty-three (133) days during the calendar year of 1953.

Upon retiring claimant was paid by the carrier in an amount of money equivalent to ten (10) days' vacation.

This dispute has been handled with the carrier up to and including the highest officer so designated by the carrier, with the result that he has declined to adjust it.

The agreement effective April 1, 1935, as it has been subsequently amended, is controlling.

POSITION OF EMPLOYEES: The employees submit and contend that Article 8 of the vacation agreement of December 17, 1941, is controlling, which for ready reference reads:

"No vacation with pay or payment in lieu thereof will be due an employe whose employment relation with a Carrier has terminated

It is the position of this carrier that the claim of the employes is entirely without basis and requests that it be declined without qualification.

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.

Claimant was first employed by the carrier on August 5, 1926, and remained in the continuous service of the carrier until he retired on September 30, 1953, in accordance with the provisions of the Railroad Retirement Act. Prior to retiring on September 30, 1953, claimant had qualified for a vacation in 1954 by rendering compensated service in excess of one hundred and thirty-three (133) days in 1953. Upon retirement, claimant was paid the equivalent of ten (10) days' vacation for 1954. The claim is that he is entitled to the equivalent of fifteen (15) days' vacation.

The issue here presented is controlled by our Award 2151, (Docket 1954). On the basis of the reasoning of that award, an affirmative award is here required. ✓

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June, 1956.