

Award No. 2279
Docket No. 2094
2-RDG-CM-'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. 109, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)**

READING COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That in accordance with the applicable agreements the Carrier be ordered to compensate J. George Schaup, Harry N. Seitzinger and John H. Huff, retired Carmen, five (5) additional days' vacation pay.

EMPLOYEES' STATEMENT OF FACTS: J. George Schaup, Harry N. Seitzinger and John H. Huff, hereinafter referred to as the claimants, were employed by the Reading Company, hereinafter referred to as the carrier, at Tamaqua, Pennsylvania. All of the claimants had more than thirty-five years of continuous service with the carrier at the time of their retirement in accordance with the provisions of the Railroad Retirement Act.

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

Prior to retiring on January 1, 1954, Claimant Seitzinger had qualified for a vacation in the year 1954 by rendering compensated service of not less than one hundred thirty-three (133) days during the preceding calendar year of 1953.

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

The claimants were paid by the carrier in an amount of money equivalent to ten (10) days vacation on the first pay period of January, 1954.

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

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 is made in behalf of retired Carmen J. George Schaup, Harry N. Seitzinger and John H. Huff. All three retired under the provisions of the Railroad Retirement Act; Schaup on September 30, 1953, Huff on December 1, 1953 and Seitzinger on December 31, 1953. At the time of their retirement these men were working for the carrier in its car shop at Tamaqua, Pennsylvania; Schaup as a car inspector, Huff as a car repairer and Seitzinger as an air brake inspector. Each claimant had, at the time of his retirement, more than thirty-five (35) years of continuous service with the carrier and each had rendered it not less than one hundred and thirty-three (133) days of compensated service in 1953. In view thereof carrier paid each of these claimants for ten (10) days in lieu of their vacation for 1954. Claimants contend by reason of Article 8 of the National Vacation Agreement and Article I, Section 1 (c) of the National Agreement of August 21, 1954, that they are entitled to fifteen (15) days' pay in lieu of the vacation each had earned for 1954. They ask that we direct the carrier to pay each of them for an additional five (5) days' pay for the balance of the vacation that is due each of them for 1954.

The foregoing presents the identical question we had in Docket 1988, and which was fully discussed and answered in our Award 2231 based thereon. What was said and held therein is here applicable and controlling. In view thereof the claims 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 17th day of October, 1956.