



Award No. 5067

Docket No. 4121

2-N&SS-CM-'67

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Paul C. Dugan when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 57, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

**THE NEWBURGH AND SOUTH SHORE
RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the controlling agreement, John Wicinski, R. Becia, Leo Orcino, Edward Krause, Dominic Mormile, Angelo Mancini, Joseph Cimperman, C. Backus, L. H. McElroy, Peter Sycz, Eugene Stanczak, J. Daugenti, employees of the Car Department, were improperly denied holiday pay for Labor Day, September 5, 1960.

2. That accordingly the carrier be ordered to compensate these employees in the amount of eight (8) hours at the applicable pro rata rate of their regular positions.

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 employees 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.

Parties to said dispute were given due notice of hearing thereon.

The Carrier correctly states the sole issue in this dispute as to whether or not furloughed employees, who have met all the other requirements of Article III of the August 19, 1960 Agreement, are to be treated as "available for service" so as to qualify for holiday pay under sub-paragraph (ii) of the 2nd paragraph of Section 3 when they fail to notify the proper officer of the Carrier in writing, with copy to the Local Chairman, that they will be

available and desire to be used for extra and relief work, as required by paragraph 2 of Article IV of the August 21, 1954 Agreement.

This issue was decided in Award 5061, and for the reasons stated in that award, we will sustain this claim of Claimants (12 Carmen) for Labor Day, September 5, 1960, holiday pay.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March, 1967.

[See Award 5061 for Carrier Members' dissent.]