

Award No. 5068
Docket No. 4131
2-B&O-FT-'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. 30, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Federated Trades)**

THE BALTIMORE AND OHIO RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the Current Agreement, particularly Article III of the August 19, 1960 agreement the Carrier improperly denied the Shop Craft employes listed in Exhibit A, attached hereto, holiday pay for Thanksgiving Day, November 24, 1960.

2. That accordingly, the Carrier be ordered to compensate each employe listed in Exhibit A attached hereto, 8 hours at the applicable pro rata rate for Thanksgiving Day, November 24, 1960.

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.

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

This claim, involving 550 Shop Craft employes, is for holiday pay for Thanksgiving Day, November 24, 1960.

The sole issue is whether Claimants were "available for service" under subsection (ii) of the 2nd paragraph of Section 3, Article III of the August 19, 1960 Agreement.

The contention that Article IV of the August 21, 1954 Agreement is the controlling rule in this dispute as referred to in the "Note" to said Article III

of '60 Agreement: “. . . pursuant to the rules of the applicable agreement”, was rejected by this Division in Award 5061, and for the reasons stated in this award, we will sustain this claim.

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.]