

**Award No. 5081  
Docket No. 4450  
2-NYNH&H-EW-'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.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 17, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Electrical Workers)**

**THE NEW YORK, NEW HAVEN AND HARTFORD  
RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier violated the current agreement when they refused to pay Electrical Helper F. DeCarlo, holiday pay for New Year's Day, 1962.

2. That accordingly Electrical Helper F. DeCarlo, be compensated eight hours pay at the pro rata hourly rate of his position.

**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 waived right of appearance at hearing thereon.

This issue involves the question as to whether the filing of a notice of desire to perform relief services under Article IV of the August 21, 1954 National Agreement is a condition precedent to an effective claim for holiday pay in behalf of a furloughed man under the requirements of Article III, Section 3 of the August 19, 1960 National Agreement.

This issue was decided in Award 5061, and for the reasons stated in that award, this claim will be sustained.

**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.]**