

Award No. 5083

Docket No. 4506

2-L&N-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. 91, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier's denial of holiday pay to Carmen A. D. Eggers, K. L. Bull, E. W. Woliver, A. W. Spangler, W. A. Smith, Hodgie Wiggins, H. R. Stewart, and Coach Cleaner W. H. Wilson, at West Knoxville, Tennessee for July 4, 1962, was in violation of the current agreement, and

2. Accordingly, the Carrier should be ordered to additionally compensate such employees for 8 hours, each, at pro rata rate of pay.

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.

This July 4, 1962 holiday pay dispute involves Article IV of the May 20, 1955 Agreement (similar to Article IV of August 21, 1954 Agreement) and the issue is whether or not said Article IV of '55 Agreement is a condition precedent to be complied with by Claimants before qualifying for holiday pay under the "Note" in Section 3, Article III of August 19, 1960 Agreement, governing the parties to this dispute.

For the reasons stated in Award 5061, concerning the same basic questions involved herein, 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.]