



Award No. 5374
Docket No. 5180
2-AT&SF-MA-'68

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee James E. Knox when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Atchison, Topeka and Santa Fe Railway Company violated Article II, Section 6, paragraph (a) of the February 4, 1965 Agreement.
2. That accordingly the Atchison, Topeka and Santa Fe Railway Company compensate Machinist K. R. Hawkins eight (8) hours at the straight time rate of pay, or an additional day off with pay, for his birthday-holiday while on vacation, which was denied.

EMPLOYEES' STATEMENT OF FACTS: Machinist K. R. Hawkins, hereinafter referred to as the claimant, was regularly employed by the Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the Carrier, as a machinist in Carrier's Mechanical Department at Topeka, Kansas, with work week Monday through Friday, rest days Saturday and Sunday.

Claimant took his 1965 vacation April 19 through April 30, 1965, both dates inclusive, returning to service Monday, May 3, 1965. Claimant's birthday was Tuesday, April 27, a vacation day of his vacation period for which he was paid a day's vacation pay. However, Carrier failed to allow his birthday-holiday compensation for the day, Tuesday, April 27.

Claim was filed with proper officer of the Carrier under date of May 22, 1965, contending that claimant was entitled to eight (8) hours' birthday-holiday compensation for his birthday, April 27, in addition to vacation pay he received for that day, and subsequently handled up to and including the highest officer of Carrier designated to handle such claims, all of whom declined to make satisfactory adjustment.

The Agreement effective August 1, 1945, as subsequently amended is controlling.

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.

The claimant is a regularly assigned employe with a work week from Monday through Friday. In 1965 his birthday fell on Tuesday during a work week he was on vacation. The claimant was not regularly assigned to work holidays and his position was blanked on his birthday.

This case which arises under the National Agreement of February 4, 1965, is controlled by the findings in Award 2-5372.

AWARD

Claim sustained for 8 hours at the straight time rate of pay.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 29th day of February, 1968.