

Award No. 5447

Docket No. 5290

2-SOU-MA-'68

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph S. Kane when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Southern Railway Company violated the Agreement of April 3, 1965, when they denied Birthday-Holiday pay to H. R. Frankenburg, Machinist, Friday, July 16, 1965 at Knoxville, Tennessee.

2. That accordingly, the Southern Railway Company be ordered to compensate Machinist Frankenburg in the amount of eight (8) hours pro rata pay for July 16, 1965, his birthday.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 claimant was on vacation during the period July 12 through August 1965. His birthday fell on Friday, July 16, 1965, a work day of his regularly assigned work week during this period. The Carrier paid him vacation pay, but not eight (8) hours pro rata pay for July 16, 1965, his birthday.

The claim is for eight (8) hours additional pay for his birthday holiday, July 16, 1965.

The claim alleged in this dispute has been before the Board in Award No. 5442, wherein the same rules, facts and circumstances were denied.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION**

**ATTEST: Charles C. McCarthy
Executive Secretary**

Dated at Chicago, Illinois, this 3rd day of June, 1968.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.

5447