

Award No. 5448

Docket No. 5291

2-SP(PL)-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. 114, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That Machinists M. J. DeFrank and M. P. Borge (hereinafter referred to as Claimants) were improperly compensated under applicable terms of current controlling Agreements while on vacation.

2. That accordingly, the Carrier be ordered to additionally compensate Claimants in the amount of eight (8) hours' pay at the pro rata rate, Claimant M. J. DeFrank for the date of December 15, 1965, and Claimant M. P. Borge for the date of December 29, 1965.

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 waived right of appearance at hearing thereon.

The Claimants were on vacation as follows:

December 13 to 17, 1965

December 27 to 31, 1965

The claimants observed their vacation at the scheduled time and their birthday holidays, December 15 and December 29, 1965, respectively. Both claimants observed their birthday holidays while on vacation.

The claimants received vacation pay and seek eight (8) hours pro rata for Birthday Holiday pay in addition to vacation pay.

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.