



Award No. 5457

Docket No. 5151

2-KCS-CM-'68

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee William H. Coburn when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 3, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

KANSAS CITY SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Kansas City Southern Railway violated the controlling agreement, particularly Article II, Section 6, paragraph (a) of the November 21, 1964 Agreement, when Employee Garland Fuller, who qualified for birthday pay, was paid only eight (8) hours at pro rata rate on April 2, 1965 while on vacation, and the Kansas City Southern Railway has declined to pay him the additional eight (8) hours at pro rata rate for his birthday.

2. That accordingly, the Kansas City Southern Railway be ordered to additionally compensate the above named employe an additional one (1) day at the applicable rate covering his birthday pay for April 2, 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 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 Findings of the Board in Award No. 5454 are applicable and controlling here.

Accordingly, this claim will also be denied.

AWARD

Claim denied.

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

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

Dated at Chicago, Illinois, this 21st day of June, 1968.