

**Award No. 5616
Docket No. 5460
2-NOPB-EW-'68**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'
DEPARTMENT, AFL-CIO (Electrical Workers)**

NEW ORLEANS PUBLIC BELT RAILROAD

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the current agreement at New Orleans, Louisiana, when two (2) agreed to paid holidays, namely Washington's Birthday and Mardi Gras Day, both fell on February 22, 1966, and Carrier compensated the employes for only eight (8) hours each at the pro rata rate.

2. That the Carrier be ordered to compensate Electricians F. J. Albrecht, Jr. and A. H. Schurb for an additional eight (8) hours each at the pro rata rate for the additional holiday.

EMPLOYEES' STATEMENT OF FACTS: F. J. Albrecht, Jr. and A. H. Schurb, hereinafter referred to as the Claimants, are employed by the New Orleans Public Belt Railroad Company, hereinafter referred to as the Carrier, as Electricians working at New Orleans, Louisiana.

From the time that the paid holiday agreement became effective on this Carrier, the employes on this Carrier have always had Mardi Gras Day off with pay for eight (8) hours at the pro rata rate when this holiday fell on one of their regular work days. The employes on this Carrier have always had Washington's Birthday off with pay for eight (8) hours at the pro rata rate when this holiday fell on one of their regular work days.

On February 22, 1966, both of these regularly paid holidays fell on the same day. February 22, 1966, was a regular work day for the Claimants. Carrier compensated the Claimants for only eight (8) hours each at the pro rata rate for February 22, 1966. February 22, 1966, was two (2) regularly paid holidays recognized separately in the agreement.

Both Claimants qualified for both of these regularly paid holidays.

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 essential facts involved in this dispute are not in issue. By Agreement dated August 9, 1955, the parties adopted Article II of the National Agreement dated August 21, 1954, which in part provides that eligible employes shall receive eight hours' pay at the pro rata hourly rate for each of seven enumerated holidays when such holiday falls on a work day of the work week of each individual employe. Moreover, the parties substituted Mardi Gras Day for Decoration Day in accordance with established practice as one of the seven holidays, and on February 22, 1966, both Mardi Gras Day and Washington's Birthday coincidentally occurred on the same date. Claimants were given the day off as provided by the applicable Agreement, but paid for only a single holiday, which Petitioner contends is a violation of said Agreement.

The pertinent language of the National Agreement dated August 21, 1954 is clear and unambiguous. Article II specifically provides for eight (8) hours' pay at the pro rata hourly rate of the position to which assigned for each of the enumerated holidays. Mardi Gras Day was duly substituted for Decoration Day by the parties pursuant to Article II of the National Agreement and the parties apparently failed to consider the possibility of two holidays occurring on the same date as no exception is found covering this contingency. Accordingly, the claimants should have been paid for both holidays pursuant to the unequivocal language of the controlling Agreement.

AWARD

Claim is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 19th day of December, 1968.