

The Second Division consisted of the regular members and in addition Referee Kay McMurray when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. Under the current Agreement Machinist B. K. Fields, Hamlet Shops, Hamlet, North Carolina was improperly denied Holiday Pay (Washington's Birthday) February 20, 1978.
2. That accordingly, the Carrier be ordered to pay Machinist B. K. Fields eight (8) hours straight time rate Holiday Pay (Washington's Birthday) February 20, 1978.

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.

Claimant, Mr. Fields, worked the last day preceding the holiday, Washington's Birthday, observed two rest days, and served on jury duty February 20, 21, and 22, 1978. He was off sick on February 23 and returned to his assignment on February 24, 1978. In accordance with the contract he was paid for the actual time lost on February 21 and 22 less the amount allowed him by the court for jury duty. He did not, however, receive any pay for the holiday. The Organization claims that he qualified for holiday pay and is entitled to compensation.

Due to the anomolous situation presented herein, this Board is of the opinion that the claim should be sustained. It should be understood that payment in this case is limited to the particular facts and circumstances in this dispute. In arriving at this decision, the Board was precluded from considering arguments raised by the Carrier in its Submission but not made on the property.

A W A R D

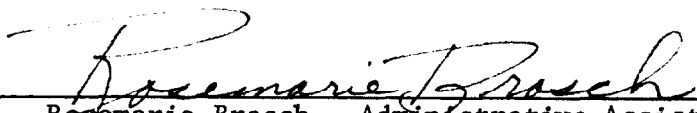
Claim sustained.

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Award No. 8869
Docket No. 8494
2-SCL-MA-'82

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of January, 1982.