

Award No. 10285
Docket No. MW-9469

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Arthur Stark, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY
(Nashville, Chattanooga & St. Louis District)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement when it failed and refused to allow eight (8) hours' pro rata holiday pay for the day observed as Christmas, December 26, 1955, and New Year's Day, January 2, 1956, to certain Maintenance of Way employees, in compliance with the provisions of Sections 1 and 3 of Article II, of the August 21, 1954 Agreement and, in consequence thereof:

(2) Each of the following named employees now be allowed Sixteen (16) hour's pay at the pro rata rate of the respective position to which assigned and working on December 23, 1955, and January 3, 1956:

W. C. Lancaster	A. E. Woodard	T. C. Overton
Joe Jackson	M. T. Lewis	E. F. Hall
Leon Gooch	Clarence Williams	T. E. Hicks
P. V. Hall	R. B. Mathis	J. L. Tummins
J. R. Garland	Hubbs Summers	W. E. Hutcheson
Lee Black	L. O. Atkinson	L. Luffman
B. G. Hall	W. F. Hood	D. H. Burgess
J. E. Westerman	J. H. Miller	W. G. Bishop
J. G. Mitchell	G. B. Gooch	M. P. Carr
O. D. Seagraves	E. T. May	D. W. Redden
H. G. Becton	Henry McKinnie	J. R. Vetter
Wallace Powley	D. H. Bishop	Wesley White

EMPLOYEES' STATEMENT OF FACTS: Claimants are regularly assigned hourly and/or daily rated employees of the Carrier. Claimants each received compensation credited by the Carrier to December 23, 1955, and

by administrative fiat something which they have been unable to obtain by negotiation.

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Carrier submits, in view of the foregoing facts, there is no basis for the Employees' claim, contractual or otherwise, for which reason same should be declined.

All matters referred to herein have been presented, in substance, by the Carrier to representatives of the employees, either in conference or correspondence.

(Exhibits not reproduced.)

OPINION OF BOARD: This case presents the same questions as those discussed in Award 10284. For the reasons assigned in our Opinion in that matter we hold that the claim here should be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of December 1961.