

Award No. 14626
Docket No. MW-12858

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY**

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 Section Laborers Hoyt F. Prince, E. E. Rael, Reuben P. Esquibel and Joe Aragon holiday pay for New Year's Day, January 2, 1961.

(2) Each of the above-named claimants be allowed eight (8) hours' straight time pay account of the violation referred to in Part (1) of this claim.

EMPLOYEES' STATEMENT OF FACTS: Each of the claimant employees have established and hold seniority as a Section Laborer in excess of sixty (60) calendar days in accordance with Agreement rules. Each was a regularly assigned employee working Monday through Friday with Saturday and Sundays as rest days. Each claimant is an hourly rated employee.

Effective with the close of work on Friday, December 30, 1960, each claimant was furloughed in force reduction.

Each of the claimants performed more than eleven (11) days of compensated service in the thirty (30) calendar days immediately preceding the holiday.

The Carrier failed and refused to allow each claimant eight (8) hours' pay at the pro rata rate for January 2, 1961.

The Agreement in effect between the two parties to this dispute dated February 1, 1941, together with supplements, amendments and interpretations thereto is by reference made a part of this Statement of Facts.

CARRIER'S STATEMENT OF FACTS: The claimants were regularly assigned section laborers on Friday, December 30, 1960, on which date they

were furloughed and did not work on Tuesday, January 3, 1961, the day following New Year's Holiday, Monday, January 2, 1961. Claims for holiday pay were denied.

OPINION OF BOARD: The circumstances of this claim are similar, and the issues and rules involved are the same as those in Docket MW-12715, Award 14625. For the same reasons given in that opinion, the claim for holiday pay is sustained.

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 violated.

AWARD

Claim sustained.

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

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 29th day of June 1966.

**CARRIER MEMBERS' DISSENT TO AWARD 14626
DOCKET MW-12858 (Referee Engelstein)**

We dissent to this award for the same reasons that we dissented to Award 14625.

**G. L. Naylor
R. A. DeRossett
H. K. Hagerman
C. H. Manoogian
W. M. Roberts**