

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

PORT AUTHORITY TRANS-HUDSON CORPORATION

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Port Authority Trans-Hudson Corp.:

In behalf of Signal Repairman P. Neubelt for eight (8) hours' pro rata pay for December 25, 1961. [Time Claim No. 208]

EMPLOYEES' STATEMENT OF FACTS: At the time this dispute arose, Claimant Neubelt held a Signal Repairman position with headquarters at 33rd Street, with regular hours 8 A. M. to 4 P. M. Monday through Friday, rest days Saturday and Sunday.

Mr. Neubelt was on vacation during the week starting Sunday December 24, 1961. Christmas, a recognized holiday, fell, of course, on Monday, December 25, 1961.

Carrier subsequently paid Mr. Neubelt eight (8) hours pay for December 25, 1961. On January 20, 1962, the Brotherhood's General Chairman presented a claim (Brotherhood's Exhibit No. 1) on behalf of Mr. Neubelt for eight hours pay, on the basis he was entitled to eight hours **holiday pay** under the August 21, 1954. Agreement, and eight hours **vacation pay** under the same Agreement.

In denying the claim, Carrier asserted (Brotherhood's Exhibit No. 2) that Mr. Neubelt was on vacation on Christmas and that he is not entitled to **holiday pay** as he would not have been assigned work on that day had he not been on vacation.

In his appeal of March 30, 1962 (Brotherhood's Exhibit No. 3), the General Chairman referred to the holiday provisions of the August 21, 1954, Agreement, as amended by the August 19, 1960, Agreement, and pointed out that those provisions provide and require that employees meeting the qualifications therein specified will be paid eight hours **holiday pay**. The General also pointed out that the Carrier had allowed a similar claim of an employee of another craft.

In its second and final letter of denial (Brotherhood's Exhibit No. 4), the

Clark and the Brotherhood of Railroad Signalmen, as members of the Railway Labor Executives' Association, were parties to this stipulation. I am attaching a copy of the stipulation for your records. In addition, I am supplying correspondence which we had with the Railway Labor Executives' Association prior to the stipulation. This stipulation clearly sets forth the fact that The Port of New York Authority was to assume no responsibility for claims prior to its acquisition.

The various unions of the Port Authority Trans-Hudson Corporation have lived up to the agreement in the stipulation and have pursued claims existing prior to September 1, 1962, against the Hudson Rapid Tubes Corporation and, I am told, have reached settlements of these claims with that organization. It is our position, therefore, that this claim, and all other claims pre-dating September 1, 1962, are incorrectly filed against The Port of New York Authority and that the stipulation which is attached holds.

Please consider this our submission in response to your August 1 letter.

(Exhibits not Reproduced.)

OPINION OF BOARD: Respondent, Port Authority Trans-Hudson Corporation, is not a party or privy to the agreement which Petitioner claims to have been violated. We, therefore, must dismiss the Claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 Claim must be dismissed for failure to name a proper party respondent.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of September, 1966.

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