

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**THE DETROIT AND TOLEDO SHORE LINE RAILROAD
COMPANY**

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

(1) The Carrier violated the Agreement when it failed and refused to allow "holiday pay" for Labor Day, 1964 to each employe named in the * "Note" hereto (System File D-HP-1).

(2) Each employe named in the * "Note" hereto be allowed eight hours' pay at his respective pro-rata rate as reimbursement for the monetary loss suffered because of the violation referred to in Part (1) of this claim.

*** NOTE:**

Thurman Billmire	Conrad Braden	Onza Rose
H. V. Kitts	C. Billmaier	Ledford Sandifer
Fred Kitts	Chester Czarnik	John Maddox
Dmitar Hritzishin	Chas. Douglas	E. S. Burt
Clement White	Oscar Massingill	Howard Schenavar
Phil Corathers	Francis Sancerant	Henry Ellison
Edwin C. Nagel	Wymer Sharpe	Lewis LaVigne
Ruby Rowe	Robert Ronders	James Brooks
Pedro Martinez	Howard Stroud	Richard Thibault
Sanford Moore	Dewey Fleeman	Wilson England
J. D. Douglas	Fuson Hammac	Frank England
Justino Garcia	Ralph Norton	Samuel Cox
Miguel Rubiani		Chas. Saxton

OPINION OF BOARD: Because of a strike, Carrier issued a bulletin notice to Petitioner abolishing all assignments held by the Claimants from September 4-9, 1964. This included the Labor Day holiday, September 7.

Claimants, hourly rated employees contend that under Article III of the August 19, 1960 National Agreement, they are entitled to be compensated for the Labor Day holiday.

Carrier contends that Claimants were not available for service by reason of the fact that their positions were abolished for the duration of the strike.

This Board has held on numerous occasions that under circumstances such as this, Claimants were "available for service", and that the requirements of Article III of the August 19, 1960 National Agreement were satisfied. See Awards 14730, 14635, 14515 through 14524, 14431, 14390 and 14365.

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 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 28th day of October 1966.