

Award No. 15641
Docket No. MW-14425

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

WESTERN MARYLAND RAILWAY 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 (eight hours' pay at pro-rata rate) for the Fourth of July holiday, 1962, to the following named employees:

S. P. Ackerman, Jr.	O. D. Jamison
R. W. Anderson	M. O. Wolf
C. H. Collins, Jr.	O. J. Jones
J. G. Cox	F. M. Bowers
W. E. Crowe	L. C. Ryan
C. E. Hyatt	L. D. L. Sharon
R. P. Morrison	J. S. Burton
D. G. Plume	A. A. B. Croesen
C. T. Reckner	R. W. Lutman
C. A. Robinson	C. A. Lynch
J. E. Shaver	H. S. Gloyd
F. C. Tressler	M. D. Burton
R. E. Vansickle	L. W. Welford
M. J. Yonkin	D. W. Farris
J. L. Hall	L. H. Piper
H. C. Schrock	J. Wesley McCarty
B. O. Watring	S. W. McCarty
Rudy Anthony	W. H. Miller
R. H. Davis	T. L. Mann
R. C. Aronhalt, Sr.	A. D. Bingaman
J. H. Snyder	T. H. Statler
E. Bennett	P. E. Rotz
R. D. Long	W. E. Carbaugh
R. N. Riggleman	R. L. Heltry
W. K. Hartman	C. M. Willard
J. M. Arbogast	H. R. Fisher
H. A. Kramer	J. A. Hankey
H. R. Hamrick	C. E. Robertson
W. M. Meller	D. A. Brunner

(2) Each employe named in Part (1) of this claim be allowed eight (8) hours' pay at his respective straight-time rate (System Claims Nos. E-17 and W-25).

EMPLOYEES' STATEMENT OF FACTS: Each claimant named in Part (1) of our Statement of Claim had established over 60 days of seniority prior to the Fourth of July holiday, 1962, and was an hourly rated employe.

Because of a general force reduction, the claimants were furloughed effective July 2, 1962. The claimants were available for service on the workday preceding and the workday following the subject holiday.

Each claimant had compensation for service rendered the Carrier credited to eleven (11) or more of the thirty (30) calendar days immediately preceding the subject holiday.

The Carrier failed and refused to allow each claimant eight hours' pay at his pro-rata rate for the Fourth of July holiday of 1962.

Claim was timely and properly presented and handled at all stages of appeal up to and including the Carrier's highest appellate officer.

The Agreement in effect between the two parties to this dispute dated September 16, 1945, 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 named in the Statement of Claim were employed in the Engineering Department at various locations on the railroad. As a result of a general force reduction, the claimants were furloughed from the service upon completion of their tour of duty on June 29, 1962. Each of them had over 60 days of seniority, and compensation for service had been paid on over eleven of the 30 calendar days immediately preceding the holiday on July 4, 1962.

None of the claimants filed a notice in writing, with copy to the Local Chairman, that he would be available and desired to be used for extra or relief work.

OPINION OF BOARD: The basic issues involved in this Claim have been resolved by Third Division Awards 14515, 14890, 14858, 14675, 14635, 14625, 15141, 15142, 15377, 15417, and other recent analogous Awards.

We believe these Awards are correct, and, consequently, this Claim should be 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 Employes involved in this dispute are respectively Carrier and Employes 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 16th day of June 1967.