



Award Number 17746

Docket Number TE-17764

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
GRAND TRUNK WESTERN RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Grand Trunk Western Railroad, that:

1. Carrier violated the Agreement between the parties when it failed and refused to properly compensate J. E. Cormier for vacation and holiday allowances during the month of December 1966.
2. Carrier shall compensate J. C. Cormier for eight hours at the pro rata rate of his position in addition to compensation paid.

EMPLOYEES' STATEMENT OF FACTS:

(a) Statement of the Case

An Agreement between the parties dated November 1, 1955 as amended and supplemented is available to your Board and by this reference is made a part hereof.

This claim was timely presented and progressed in accordance with the provisions of the Agreement, including conference with the highest officer designated by the Carrier to receive appeals and has been declined. The Employees, therefore appeal to your Honorable Board for adjudication.

This claim arose out of Claimant being required to work during his assigned vacation period, December 26th through December 30th, 1966. Monday, December 26, 1966 was observed as Christmas. He was paid for 8 hours at the pro rata rate of his position for the day of vacation denied him, 8 hours at time and one-half for work performed on a day of his vacation and 8 hours at the time and one-half rate for work done on a holiday. He claimed 8 additional hours at the pro rata rate for the holiday denied him, this the Carrier refused to pay, hence forming the basis of this claim.

(b) Issues

Compensation due an employee when he is required to work a day of his vacation which is also a holiday.

(c) Facts

Claimant is regularly assigned to the first shift Operator-Leverman's position at Lansing, Michigan. His work days are Mondays through Fridays. He was scheduled to take five days of his vacation, December 1966 through December 30th, 1966. Due to the shortage of relief employees, he was re-

The General Chairman in letter dated July 26, 1967, requested conference for the purpose of further discussing this claim. The requested conference was held at Detroit, Michigan, on August 16, 1967, during which the Vice President & General Manager's July 3, 1967 declination was reaffirmed.

Copies of the November 1, 1955 Working Agreement in effect between this Carrier and the Transportation Communication Employees Union, are on file with the Third Division.

(Exhibits Not Reproduced)

OPINION OF BOARD: Claimant J. C. Cormier was scheduled to take a five-day vacation from Monday, December 26 through Friday, December 30, 1966. Because of a shortage of relief employees he was required to work his vacation period.

Monday, December 26, 1966, was observed as the Christmas holiday. It was a work day of the assignment, and claimant worked. For this day Carrier paid him as follows:

8 hours at pro rate—vacation pay
8 hours at time and one-half—working during vacation period.
8 hours at time and one-half—working on a holiday.

He claims an additional 8 hours at pro rata as holiday pay.

The question presented here has been decided in favor of the employees' position in a number of Awards, such as 9754, 9957, 10892, 12759, 16638, 16696 and 17047. See, also, Awards 15722, 17366, 17367 and 17688.

In conformity with the precedent awards, this claim will be sustained.

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.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1970.