

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION****Paul C. Dugan, Referee**

PARTIES TO DISPUTE:**TRANSPORTATION-COMMUNICATION EMPLOYES UNION****PENN CENTRAL COMPANY — NEW HAVEN REGION**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the New York, New Haven and Hartford Railroad, that:

1. Carrier violated the provisions of the Agreement when it failed to allow Mr. Coderre a vacation for the year 1967.

2. Carrier further violated the provisions of the Agreement when it did not properly compensate Mr. Coderre for working his vacation in December, 1967.

3. Carrier shall now compensate Mr. Coderre an additional one-half time for working his vacation in December, 1967, this in addition to the straight time already paid.

EMPLOYES' STATEMENT OF FACTS:**(a) STATEMENT OF THE CASE**

An Agreement between the parties dated September 1, 1949, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

These claims were timely presented, progressed to the highest officer designated by the Carrier to receive appeals, including conference, in accordance with the terms of the Agreement and have been declined. The Employees, therefore, appeal to your Honorable Board for adjudication.

This claim arose when Carrier required Claimant to work his assigned vacation period and then refused to pay him at the time and one-half rate for work performed during that period.

(b) ISSUES

Rate of pay due an employe for work performed during his assigned vacation period.

OPINION OF BOARD: The facts and issue in this instant dispute are similar to the fact and issue in this Board's Awards No. 17576 and No. 17697 involving the same parties herein, and for the reasons set forth in said Awards, we must sustain 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 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 17th day of July 1970.