NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 20725
THIRD DIVISION Docket Number CL-20702

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employes
(
(Delaware and Hudson Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7569) that:

1. Carrier violated the Agreement when it failed to compensate Extra Telegrapher H. J. Vredenburg holiday pay for Good Friday, April 20, 1973, and that

2. Claimant H. J. Vredenburg be compensated for holiday pay at pro rata rate of the Last position worked before the holiday as Agent at Cohoes, New York.

OPINION OF BOARD: Claimant, with a seniority date of June 22, 1970, was an extra telegrapher who also performed service as an extra train dispatcher. In the thirty day period preceding the April 20, 1973 Good Friday Holiday he worked seven days as a train dispatcher and five days as a telegrapher. He also performed service as an extra train dispatcher on April 21, 1973. Claimant was refused holiday pay as a telegrapher for Good Friday resulting in the dispute and claim herein.

Section 1 of Article II of the Agreement of August 21, 1954, as amended effective January 1, 1966, deals with holidays. Section l(c) provides:

> ". ..shall be eligible for the paid holidays or pay in lieu thereof provided for in paragraph (b) above, provided (1) compensation for service paid him by the carrier is credited to 11 or more of the 30 calendar days immediately preceding the holiday and...."

Carrier's position is that since Claimant did not have eleven or more days of compensated service as a telegrapher during the thirty days immediately preceding the holiday, he was not eligible for holiday pay for Good Friday, April 20, 1973. No other basis for the denial of holiday pay was cited, and it is assumed that Claimant qualified under the rules in all other respects.

The same issue has been before this Board on a number of occasions. In Awards 11317, 16457 and 18261 telegraphers who also worked as extra dispatchers