

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

H. Raymond Cluster, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Order of Railroad Telegraphers on the Kansas City Terminal Railway Company that,

1. The Carrier violates the Agreement between the parties when it failed to pay and refuses to pay O. D. McKee eight hours pro rata Holiday pay for Thanksgiving Day, November 25, 1954.

2. As a result of this violation Carrier be required to pay O. D. McKee \$15.96, eight hours pro rata at the rate of the position occupied on November 25, 1954.

EMPLOYEES' STATEMENT OF FACTS: There is an agreement, by and between the parties to this dispute, effective June 1, 1953; there is another agreement, dated at Chicago, Illinois August 21, 1954, between a group of Carriers and a group of Organizations, both parties to this dispute are parties to this Chicago Agreement, upon which the instant claim is primarily based.

Article II of the Chicago Agreement reads,

"ARTICLE II—HOLIDAYS

Section 1. Effective May 1, 1954, each regularly assigned hourly and daily rated employe shall receive eight hours' pay at the pro rata hourly rate of the position to which assigned for each of the following enumerated holidays when such holiday falls on a work-day of the workweek of the individual employe:

New Year's Day
Washington's Birthday
Decoration Day
Fourth of July

Labor Day
Thanksgiving Day
Christmas

NOTE: This rule does not disturb agreements or practices now in effect under which any other day is substituted or observed in place of any of the above enumerated holidays.

of the position that may be propounded by the Organization in support of their claim the claim should be declined for the twofold reasons—the obvious and clear distinction in the types of employees and the limitation as to those to whom the rule's provisions apply.

It is hereby affirmed that all of the foregoing is, in substance, known by the Organization and is hereby made a part of this dispute.

Inasmuch as the claim is without support in the record or in the rules, the Carrier respectfully petitions your Board that it be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This claim is not different in any material respect from the claim in Award No. 8361, involving the same rules and parties. For the reasons stated in that award, the claim is denied.

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 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 not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 5th day of June, 1958.