

Award No. 8363

Docket No. TE-8231

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**H. Raymond Cluster, Referee**

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**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 when it failed to pay and refused to pay extra employees eight hours' pro rate, in addition to eight hours' time and one-half, for holidays.

2. As a result of this violation Carrier be required to pay:

(A). Robert Laier eight hours pro rata at rate for Leverman Tower #14 for Thanksgiving Day, November 25, 1954.

(B). A. R. Sanchez eight hours pro rata at rate for Leverman Tower #5 for Thanksgiving Day, November 25, 1954.

(C). O. D. McKee eight hours pro rata at rate of Operator-Leverman Tower #9 for New Year's Day, January 1, 1955.

**EMPLOYEES STATEMENT OF FACTS:** There is an agreement by and between the parties to this dispute, effective June 1, 1953; and 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 I. Effective May 1, 1954, each regularly assigned hourly and daily rated employee shall receive eight hours' pay at the pro rata

**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.