

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David H. Brown, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

TENNESSEE CENTRAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed and refused to allow eight (8) hours' pay at their respective pro-rata rates as holiday pay for Thanksgiving Day, 1961 to the following listed Track Department employees:

Leo Phillips	William P. Thomas
Woodrow Herd	J. Crudup
Taylor Wallace	J. D. Morris
Normie Bennett	William Vowell
Granville Bowman	W. H. McLean
C. W. Largen	H. J. Toler
Robert Brown	Vernon Emmett
T. N. Hassler	W. D. Bayne
Leonard Williams	U. S. Williams
G. C. Hawkins	G. C. McLean
J. Honeycutt	J. W. Bates
J. T. Mahaney	W. O. Holley
Thmoas Dishman	J. Broomfield
H. T. Felts	

(2) Each of the employees named in Part (1) of this claim be allowed eight (8) hours' pay at his respective pro-rata rate.

EMPLOYEES' STATEMENT OF FACTS: Each of the Claimants had established over 60 days' seniority prior to the subject holiday.

Each of the Claimants is an hourly rated employee.

Each of the Claimants was assigned to and did perform compensated service on November 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15 and 16, 1961. Consequently, each Claimant had compensation for service paid him by the Carrier credited to more than 11 of the 30 calendar days immediately preceding the subject holiday.

ployes on the same assignment on both the work day preceding and the work day following the holiday will have the work week of the incumbent of the assigned position and will be subject to the same qualifying requirements respecting service and availability on the work days preceding and following the holiday as apply to the employe whom he is relieving.

For other than regularly assigned employes, whose hypothetical work week is Monday to Friday, both days, inclusive, if the holiday falls on Friday, Monday of the succeeding week shall be considered the work day immediately following. If the holiday falls on Monday, Friday of the preceding week shall be considered the work day immediately preceding the holiday.

Compensation paid under sick-leave rules or practices will not be considered as compensation for purposes of this rule."

(Exhibits not reproduced.)

OPINION OF BOARD: In this case 27 named employes are claiming holiday pay for Thanksgiving Day, 1961. Claimants were regularly assigned hourly rated employes who were laid off by Carrier during the period November 17-18, 1961 to December 3, 1961.

On the basis of our decision in Award 14515, all named Claimants set out in Statement of Claim met all the qualifying requirements of Article III of the August 19, 1960 Agreement, therefore their claim for Thanksgiving Day is sustained.

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 Employes involved in this dispute are respectively Carrier and Employes 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

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June 1966.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.