

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Union Pacific Railroad 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 Sectionman H. O. Coria holiday pay for July 4, 1984 (System File M-36).

(2) The claimant shall be allowed eight (8) hours of pay at his straight time rate because of the violation referred to in Part (1) hereof."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is employed as a sectionman. In July 1984, Claimant was regularly assigned to work on Monday through Friday each week. On Tuesday, July 3, 1984, Claimant worked as scheduled; he did not work on Wednesday, July 4, 1984. On Thursday, July 5, Claimant was allowed a personal leave day, and while he performed no work, Claimant did receive eight hours' compensation for this day. Claimant was absent from duty, with permission, on Friday, July 6. Carrier did not allow Claimant holiday pay for the July 4, 1984, holiday. The Organization filed a claim on Claimant's behalf, contending that Claimant is entitled to holiday pay for this holiday.

This Board has reviewed the evidence in this case, and we find that the Carrier wrongfully failed to allow the Claimant holiday pay for July 4, 1984. The Claimant received compensation for the days immediately prior to and following the holiday. This Board has found on several occasions in the past that a personal leave day is a workday and is sufficient to qualify for holiday pay. (See Second Division Award 10033.) Therefore, we must sustain the claim.

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Award No. 27020
Docket No. MW-26686
88-3-85-3-545

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.