

PUBLIC LAW BOARD NO. 2267

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Union Pacific Railroad Company

STATEMENT
OF
CLAIM:

1. That the Carrier violated the Agreement, effective January 1, 1973, as amended, when they arbitrarily suspended the operation of System Steel Gang #2801, Thursday, June 30, 1977.
2. That the Carrier shall compensate all hourly rated employees, assigned to System Steel Gang #2801, eight (8) hours each at their respective pro-rata rates of pay for Friday, July 1, 1977 and, in addition, eight (8) hours each at their respective pro-rata rates for Monday, July 4, 1977.

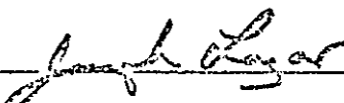
FINDINGS:

There is a fundamental issue of fact in this case, whether the Gang members were "voluntarily absent" or were otherwise "deprived of the opportunity to work on July 1, 1977" by the Carrier, and the evidence on this fundamental issue is in irreconcilable conflict. In view of the particular circumstances in this particular case, without prejudice and without establishing a precedent, each hourly-rated employee who actually worked the day following the Holiday, i.e., July 5, 1977, shall be paid eight (8) hours, (July 4, 1977), in lieu of Holiday pay.

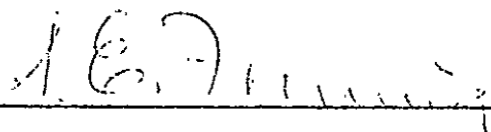
AWARD

Claim disposed of without prejudice and without establishing
a precedent as per Findings.

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JOSEPH LAZAR, Chairman and Neutral Member



S. E. FLEMING, Employee Member



E. R. MYERS, Carrier Member

DATED: 2-28-79