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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY  
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

Award No. 37  
Case No. 47

vs

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES.

STATEMENT OF CLAIM:

Claim of Clerk G. T. Funkhouser, Riverton Yard, for one day's holiday pay, December 25, 1954. (CL-269)

FINDINGS: The Board, upon the whole record and all the evidence, finds that:

The Carrier or Carriers and the employee or employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

Rule 45 (d) as presently worded, does not preclude eligibility for holiday pay in instances where compensated services rendered for the Carrier on the work day immediately preceding or following the holiday, is pursuant to the terms of a Labor Agreement other than the one negotiated with the Clerks' Organization.

The only compensation excluded from the Rule is that which is paid under sick leave rules or practices. To uphold the Carrier's theory would be an unwarranted distortion of plain and unequivocal language. See also settlement by parties of claim CL-244.

AWARD: Claim sustained.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member Thereof.

Pittsburgh, Pa.  
April 24, 1958.