

Award No. 100
Case No. 59
(BU 5886-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 100

STATEMENT

- OF CLAIM: 1. Carrier violated the Agreement between the parties when it failed to properly compensate Operator A. R. Williams during his vacation period, December 25 through 29, 1958.
2. Carrier shall compensate A. R. Williams in the amount of eight hours pay at the pro rata rate.

FINDINGS: The Vacation Agreement of December 17, 1941, as amended August 21, 1954, provides in part:

"If a Carrier finds that it cannot release an employee for a vacation during the calendar year because of the requirements of the service, then such employee shall be paid in lieu of the vacation the allowance hereinafter provided.

"Such employee shall be paid the time and one half rate for work performed during his vacation period in addition to his regular pay." (Emphasis added.)

Thus, so far as this Claimant is concerned he is entitled to 2½ times his pro rata rate for having worked during what would have been his scheduled vacation; in other words, vacation pay itself is at pro rata; pay for work during vacation period at 1½ times rate.

But, because December 25 fell on what would have been a workday of his scheduled vacation, Claimant is now seeking, in addition to 8 hours at 1½ times rate for having worked on the holiday, payment of an additional 8 hours at pro rata because December 25 was one of his regularly assigned work days.

Such claim is predicated on that section of the Agreement which says, in part, that

"when, during an employee's vacation period any of the seven recognized holidays falls on what would be a work day of an employee's regularly assigned work week, such day shall be considered as a work day of the period for which the employee is entitled to vacation."

We cannot agree with the interpretation which Organization seeks to apply to that quotation.

"Work day," as used here, can only mean one of the specific number of consecutive workdays of vacation with pay to which an employee is entitled; in other words, it is a "vacation day."

A denial award is, therefore, in order.

A W A R D

Claim denied.

/s/ Edward A. Lynch

Edward A. Lynch
Chairman

Dissenting

R. K. Anthis
Employee Member

/s/ T. S. Woods

T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 16th day of April, 1963.