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Award No. 20
Docket No. 20

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

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

1. Carrier violated the Clerks' Agreement when it failed and refused and continued to refuse to compensate Relief Chief Bill Clerk, H. H. Lively, Dupon, Illinois, in accordance with the provisions of Article 7(a) of the National Vacation Agreement signed at Chicago, Illinois, December 17, 1941, at the punitive rate for the holiday, Monday, September 3, 1956, in addition to the pro rata day paid as a day of vacation, when he was on vacation and his position was filled.
2. That the Carrier shall be required to pay Clerk Lively a punitive day's pay, amount \$26.70 for the holiday, September 3, 1956, account Carrier's failure to properly apply the Agreement.

FINDINGS: Award No. 7294 of the Third Division, N.R.A.B., involving these same parties, held that "a holiday is considered an unassigned day."

Second Division Awards 2212 and 2302 have held that under the provisions of Rule 7(a) of the current Vacation Agreement work on an unassigned day is casual overtime and that the vacationing employee is not entitled to have it included in his vacation pay.

That, we think, is a proper interpretation of the Vacation Agreement provisions so the claim here must be denied.

AWARD: Claim denied.

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/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

/s/ I. F. Thomas
I. F. Thomas - Employee Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
April 11, 1957