

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

PARTIES:

and

THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 10

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

(1) The Carrier violated the effective Agreement by failing to pay Carpenter N. H. Ellerbrook of the Toledo Division for holiday pay for Labor Day, September 5, 1960.

(2) That claimant Carpenter N. H. Ellerbrook be now paid eight hours at his respective pro rata rate, account of this violation of the agreement."

FINDINGS: This is the second in a long list of holiday pay cases pending before this Board.

In line with our Award in Dockets Nos. 8 and 9, we will sustain this claim because it is for the Labor Day, 1960, holiday and prior to Carrier's notification of December 29, 1960 that it would follow the August 19, 1960 Agreement on the manner of proving availability for work.

A W A R D

Claim sustained.

(s) Edward A. Lynch
Edward A. Lynch, Chairman

(s) A. J. Cunningham - Dissenting
A. J. Cunningham, Employee Member

(s) W. B. Kohler
W. B. Kohler, Carrier Member

Dated at Baltimore, Maryland
21st day of May, 1964.