

PUBLIC LAW BOARD NO. 3526PARTIES TO DISPUTE:

United Transportation Union (CT&Y)

AWARD NO. 8

- and -

CASE NO. 8

The Atchison, Topeka and Santa Fe Railway Company
- Western Lines -
(Northern and Southern Divisions)

STATEMENT OF CLAIM:

Claim 100 miles at the respective local rates of pay each day December 24 and 25, 1981 for Conductor E. D. Garner, Trainmen R. L. Turner and J. D. Ivy, account regular assignment annulled on both dates.

FINDINGS:

This Public Law Board, No. 3526 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

Trainmen R. L. Turner and J. D. Ivy were allowed holiday pay as claimed, and therefore the claim on their behalf is without merit. The claim of Conductor E. D. Garner was declined and properly appealed to this Board. It is this claim which is now properly before the Board.

Mr. Garner had received pay for ten personal leave days prior to December 24, 1981, as provided for in Article 22 of the Crew Consist Agreement. December 24, 1981 and December 25, 1981 were holidays. The Carrier annulled Mr. Garner's assignment on Christmas Eve, December 24, 1981 and Christmas Day, December 25, 1981. While

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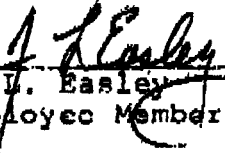
Mr. Garner initially claimed a Code 80 -- "Holiday," the Organization states that it was made clear in the handling on the property that what was sought is an "annulment" day under Article 12(b) of the Conductors' and Trainmen's Agreement.

We have considered the positions of the parties and conclude that Rule 12(b) is not applicable in this case, since the days involved were designated holidays and compensation for not working on designated holidays is exclusively controlled by Article 59, the National Paid Holiday Rule (see Article 59(f)) and Article 22(b) and the Questions and Answers thereto which sets forth a maximum combination of ten personal leave days or holiday pay opportunities. We must deny this claim.


AWARD

Claim denied.


 David P. Twomey, Chairman
 and Neutral Member


 J. L. Easley
 Employee Member

dissenting


 W. F. Meiries
 Carrier Member

DATED: February 23, 1987.