

Referee Nicholas H. Zumas

PARTIES Railroad Yardmasters of America  
TO  
DISPUTE: Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees  
of the Property of Penn Central Transportation Company, Debtor

STATEMENT Claim and request of Railroad Yardmasters of America:  
OF CLAIM:

SYSTEM DOCKET 517WESTERN REGION - TOLEDO DIVISION CASE 1-74

Claim of Yardmaster R. J. Gottschalk for 8  
hours Holiday Pay for January 1, 1974

OPINION Claimant was assigned to the Yardmaster's extra list at Stanley  
OF BOARD: Yard. On January 1, 1974 (New Year's Day), Claimant performed no  
service and received no compensation for that day. Claimant sub-  
mitted a time slip for eight hours holiday pay at the pro-rata  
rate. The request was denied on the grounds that Claimant was on the extra  
board and was not entitled to holiday pay.

The identical issue involving essentially the same factual situation  
between the same parties was decided in Fourth Division Award No. 2628, denying  
the claim. In that award the Board stated:

"Article III Section 4 of the Nov. 29, 1967  
Agreement is pertinent. It provides that in  
instances when a recognized holiday falls on  
'an assigned work day of a regular yardmaster  
assignment,' the yardmaster then holding the  
assignment will be paid for the day if he does  
not perform other compensated service for Carrier  
during the hours of that assignment.

"It is clear that the above Section provides  
for holiday pay only for the yardmaster holding  
a regular yardmaster assignment and does not  
apply to extra yardmasters. We have been referred  
to no rule that provides for holiday pay for  
extra yardmasters. Accordingly, the critical  
inquiry is whether Claimant is a regularly assigned  
yardmaster.

"Petitioner contends that Claimant must be considered a regularly assigned yardmaster since he was assigned to an extra list by bulletin, performed exclusively yardmaster duties and was used in no other craft or under any other Schedule Agreement. These facts, however, do not establish that Claimant held a regularly assigned, and not an extra, position. See Third Division Awards 12947 and 12094."

The Board is of the opinion that the rationale of Award No. 2628 is sound, and we shall follow it. Fourth Division Award No. 3187 cited and relied upon by the Organization is distinguishable. As was stated in Award No. 3187:

". . . We note that Award 2628, involving the same parties and a related issue, was cited by Carrier; however, that dispute must be distinguished from that herein since Claimant in that dispute performed no work on the holiday. . ."  
(Underscoring added).

#### FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute waived right of appearance at hearing, but were granted privilege of appearing before the Division with Referee sitting as a member thereof, to present oral argument.

#### A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: Executive Secretary  
National Railroad Adjustment Board

By: *James J. Deane*  
Assistant Executive Secretary

Dated at Chicago, Illinois, this 11th day of December 1975