

The intent of Article 11.6 is to permit the maximum number of full-time regular, full-time flexible and part-time regular employees to be off on the holiday should they desire not to work while preserving the right of employees who wish to work their holiday or designated holiday. Article 11.6.B provides the scheduling procedure for holiday assignments. Keep in mind that Article 30, Section B.13 provides that “the method of selecting employees to work on a holiday” is a subject for discussion during the period of local implementation. The Local Memorandum of Understanding (LMOU) may contain a local “pecking order.” In the absence of LMOU provisions or a past practice concerning holiday assignments, the following minimum pecking order should be followed:

- 1) All casual and part-time flexible employees to the maximum extent possible, even if the payment of overtime is required.**
- 2) All full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have volunteered to work on their holiday or their designated holiday—by seniority.**
- 3) Transitional employees**
- 4) All full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have volunteered to work on their non-scheduled day—by seniority.**
- 5) Full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have not volunteered on what would otherwise be their non-scheduled day—by inverse seniority.**
- 6) Full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have not volunteered on what would otherwise be their holiday or designated holiday—by inverse seniority.**

Adverse inferences concerning whether a “pecking order” contained in an LMOU is in conflict or inconsistent with the language of Article 11.6 should not be drawn solely because the parties at the national level have agreed to a “default pecking order.”

Holiday Schedule Posting: The provisions of Section 4.A concerning straight-time pay for holiday work apply to all full-time employees whose holiday schedule is properly posted in accordance with this section. If the holiday schedule is not posted as of Tuesday preceding the service week in which the holiday falls, a full-time employee required to work on his or her holiday or designated holiday, or who volunteers to work on such day, will receive holiday scheduling premium for each hour of work, up to 8 hours. However, ELM 434.53.c(2) provides that: ELM 434.53.c(2) In the event that, subsequent to the Tuesday posting period, an emergency situation attributable to Act(s) of God arises that requires the use of manpower on that holiday in excess of that scheduled in the Tuesday posting, full-time regular employees who are required to work or who volunteer to work in this circumstance(s) will not receive holiday scheduling premium.

Additionally, if a full-time employee replaces another *full-time employee* who was scheduled to work and calls in sick or is otherwise unable to work after Tuesday deadline, the replacement employee *is not eligible* for holiday scheduling premium. This is true even if the employee being replaced was on a regular work day (rather than a holiday or designated holiday). In B90N-4B-C 94029392, November 28, 1997 (C-17582) National Arbitrator Snow ruled that "...whether the replaced employee is scheduled for a regular day or for his or her holiday is of no consequence with regard to the application of Employee and Labor Relations Manual Section 434.533(c)." Note: This is currently ELM Section 434.53.c(3). Full-time employees who are scheduled after the Tuesday deadline to replace a properly scheduled *part-time flexible employee* who calls in sick or is otherwise unable to work *are eligible* for holiday scheduling premium. (Step 4, NC-C-4322, April 14, 1977, M-00155)

The posting of a holiday schedule on the Tuesday preceding the service week in which the holiday falls is to include part-time flexible employees who at that point in time are scheduled to work on the holiday in question. If additional part-time flexible employees are scheduled after the Tuesday posting, there is no entitlement to additional compensation for those part-time flexible employees who are scheduled after the posting deadline.