

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: (System Federation No. 4, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Blacksmiths)
(
(Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That Rule 27 of the Current Agreement and Article 4 of the National Vacation Agreement of December 17, 1941, as amended, were violated when the Carrier furloughed Blacksmiths C. C. Arnett, W. C. Lambert, O. Amis, C. Garthee, C. Grubb, G. Binion, G. L. Foreman, K. R. Jackson, J. W. McCulley, S. W. Eary, T. L. Scaggs, E. Madden, C. Westfall, O. L. Adkins and Blacksmith Helpers M Ronk, J. R. Thacker, E. D. Roberts, P. Roberts, G. W. Williams, W. Jessie, H. T. Salmons, O. Willis, W. E. Geer.
2. That accordingly the Carrier be ordered to compensate the above named employees eight (8) hours pay each at the applicable pro rata rate for each day they were improperly furloughed.

Findings:

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

The carrier or carriers and the employe or employees 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.

Parties to said dispute waived right of appearance at hearing thereon.

The issue in this case involves the application of Article 4 of the National Vacation Agreement which provides for cooperation between the parties in assigning vacation dates. Prior to January 1972, the Carrier decided to institute a group vacation policy for its Raceland Car Shop. On January 3, 1972 Carrier discussed its plan with the organizations involved. The vacation period was confirmed by notice on May 26, 1972 which stated, "It is anticipated that this shut-down will remain in effect in future years, always starting on the second week of July and ending the third week of July." The notice also stated employees not entitled

to vacation would be furloughed and should sign up for unemployment benefits covering the vacation period. The same notice procedures were followed in 1973 and 1974. In 1974 the Carrier also issued bulletins abolishing the jobs of employees who were not eligible for vacation during the shut-down. After the 1974 vacation the Organization filed this claim.

This Board finds that there was no violation of Article 4 of the National Vacation Agreement or Rule 27 of the Shop Crafts' Agreement. The Carrier properly established a group vacation schedule and properly furloughed employees not eligible for vacation time. The claim therefore must be denied.

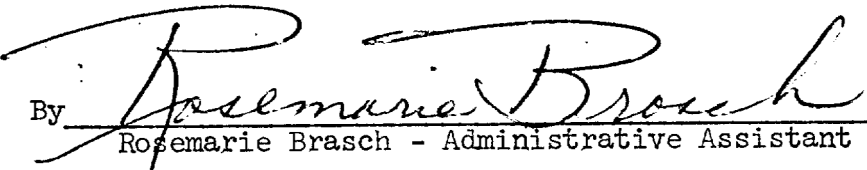
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 12th day of July, 1978.