

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13550

Docket No. 13443

00-2-99-2-39

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

**(Brotherhood Railway Carmen Division
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake and Ohio
(Railway Company)

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Chesapeake and Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter referred to as “carrier”) violated the controlling Shop Crafts Agreement, specifically Rules 2(b), 6(C) & 188, also Article V of the April 24, 1970 National Agreement, when carman C. Wells (ID# 624788) was assigned to work on his regular rest days of September 6 & 7, 1997 and was not paid at the time and one-half rate for his first rest day or double-time for his second rest day.**
- 2. Accordingly, the Carrier be instructed to compensate carman C. Wells, eight (8) hours at the applicable carman rate of time & one half for his first day and eight (8) hours at applicable carman double time rate for the second rest day.”**

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

The Claimant was a regularly assigned vacation relief employee. In this instance, he worked a five-day vacation absence and was assigned a new vacation absence that commenced on what would have been his sixth and seventh day of the vacation absence he just completed. The Organization contends the Claimant should have been paid time and one-half on the sixth day and double time on the seventh day.

The Carrier defended its position by referencing years of practice of establishing vacation relief positions where the employee may, and more than likely would work ten consecutive days in a row (as the Claimant did in this instance) by commencing a new vacation absence on the rest days of the assignment just completed. Likewise, the vacation relief employee could, on occasion, be off more than two consecutive days.

Second Division Award 6093, denied a claim for an alleged violation that occurred on September 24, 1967 involving this craft and the Chesapeake and Ohio, which is now a component part of CSX Transportation. In that claim the Board held that the Claimant, who was also an assigned vacation relief employee, was not entitled to premium pay for services rendered on what would have been his sixth work day of the position he just completed. The Carrier's past practice does not violate any existing Rules, and is solidly supported by Second Division Award 6093. See also Second Division Award 8260, as well as Third Division Awards 14324, 11286 and 9083.

The Carrier has not violated any existing Rule and/or Agreement in this instance.

AWARD

Claim denied.

Form 1
Page 3

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 29th day of September, 2000.