

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13940
Docket No. 13830
NRAB-00002-070016
(07-2-16)

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

(Brotherhood Railway Carmen Division (BRCD)
(Transportation-Communications International Union

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company (ST)

STATEMENT OF CLAIM:

"Claim of the Employees:

1. That the Springfield Terminal Railway Company violated the terms of our current Agreement, in particular Rule 15.1(a) and 16.1, when they failed to allow Carman Steven Roderick to use his personal leave day and sick day that he was entitled to.
2. That, accordingly, the Springfield Terminal Railway Company be required to compensate Carman Steven Roderick in the amount of one (1) days pay for this personal leave day and one (1) days pay for this sick day that he earned according to the Agreement."

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.

On January 16, 2006 the Organization filed this claim. Its position is that the Claimant completed one year of service on November 22, 2005. Therefore, he was entitled to one personal leave day and one sick day in 2005.

The Carrier's position is that Claimant was not entitled to sick days and personal leave days until calendar year 2006. Rules 15 and 16 of the Schedule Agreement are the rules that pertain in this case.

Rule 15.2 reads as follows:

“15.2 Personal leave days provided for in paragraph (a) of this Section must be requested in writing at least 48 hours in advance to the proper Carrier Officer. Authorization in writing will be granted consistent with the needs of the service.

Personal leave days must be requested within a 12 month period and be taken within a 15 month period beginning with January 1 of each year. Personal leave days not requested within that 12 month period will be forfeited. Personal leave days requested and not allowed will be rescheduled to best accommodate the needs of the service and the employee. In the event the needs of the service make it impossible to reschedule the aforementioned personal leave day payment will be made pursuant to paragraph 15.3 of this Rule.

Rule 16.1 reads:

16.1 Effective January 1, 2003, employees will be granted sick leave each calendar year as follows: . . .”

The Organization's argument is that after one year of employment, regardless of when, an employee may take personal or sick days. Contrary to its position, the rules are clear that these benefits are calendar year benefits. Calendar years begin on January 1, and last until December 31.

The Organization has failed to prove the Agreement was violated.

AWARD

Claim denied.

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 27th day of March 2008.