

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12528
Docket No. 12411
93-2-91-2-212

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/TCU
(Chicago and North Western
(Transportation Company

STATEMENT OF CLAIM:

- "1. Carman William J. McIntyre, Butler, Wisconsin, was deprived of work and wages when the Carrier abolished his assigned position on December 31, 1989 due to holiday and held first shift inspector over to work his assignment.
2. Accordingly, Carman William J. McIntyre is entitled to be compensated eight (8) hours pay at the overtime rate."

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 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.

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

On December 19, 1989, the Carrier posted a Bulletin concerning Holiday Assignments, and all positions (except the first shift car inspector at Butler) were annulled for the December 31, 1989, holiday. However, at the end of the first shift, that car inspector was held over to work three and one-half (3 1/2) hours of the second shift (Claimant's shift).

No contention is advanced that the Carrier did not have the contractual authority to annul the Claimant's shift on the New Year's Eve holiday, or that the First Shift Inspector did other than his normal duties, even though the Claimant may have done the same duties on his shift. Nor is there any evidence that the Carrier deliberately precluded the Claimant from performing work by advance scheduling. Rather, it took additional time for the First Shift employee to complete certain work. In short, we find nothing in the agreement or in the record which precludes the Carrier from taking the action it did under the factual background presented to us.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Fever - Secretary to the Board

Dated at Chicago, Illinois, this 28th day of April 1993.