

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12595
Docket No. 12462
93-2-91-2-281

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(International Brotherhood of Electrical
Workers
PARTIES TO DISPUTE: (
(Bessemer and Lake Erie Railroad Company

STATEMENT OF CLAIM:

"Claim submitted to General Foreman E. W. Richardson, Bessemer and Lake Erie Railroad Company by the Local Committee dated January 8, 1991, as follows:

Dear Mr. Richardson:

At the request of Traveling Electric Crane Operator E. R. Riley, I am submitting a time claim for work performed by another craft.

Traveling Electric Crane Operator R. S. Boyd was on vacation December 24 thru December 28, 1990. Electricians operated the cranes during this period.

This is in violation of the National Agreement and Rule 13(D) in particular. Rule 13(D) states: "The junior qualified employee shall be assigned to fill vacation vacancies." Mr. Riley was furloughed and was available for work. He is the junior qualified employee on the Traveling Electric Crane Operators' Roster and should have been assigned to fill the vacation vacancy. Mr. Riley has filled the vacation vacancy of the Back Shop Crane Operator in the past. A vacation vacancy is to be filled the full eight hour days of the employees vacation or the position blanked until the regular employee returns from vacation.

We are asking for eight (8) hours pay at the current Traveling Electric Crane Operators' rate of pay for December 26, 27, and 28, 1990, for a total of twenty-four (24) hours."

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.

The issue in this claim is the same as that which this Board addressed in Second Division Awards 12371 and 12372. We find here for the same reasons as we did in those Awards, that there is no basis for the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 13th day of October 1993.