

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34138
Docket No. SG-33400
00-3-96-3-898**

The Third Division consisted of the regular members and in addition Referee Hyman Cohen when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(CSX Transportation, Inc. (former Louisville and Nashville
(Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville & Nashville Railroad:

Claim on behalf of J.C. Brock, R.L. Stonecipher, H.H. Robertson III, M.P. Carruth, M.S. Landsittel to have their positions reinstated, account Carrier violated the current Signalmen’s Agreement, particularly Rule 33 and Agreement No. 15-60-95, when it abolished their positions on August 24, 1995, without providing the proper notice and meeting in advance to discuss this matter.” Carrier’s File No. 15(95-303). BRS File Case No. 9857-L&N.”

FINDINGS:

The Third 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.

In July 1995, the Carrier and the Organization agreed to establish two L & N System Signal Construction Forces to work on certain projects on the former C&EI Railroad that runs between Evansville, Indiana, and Chicago, Illinois. The Claimants held positions on an L&N District Signal Gang headquartered at Cartersville, Georgia, where they performed maintenance work.

On August 17, 1995, the Claimants were notified by the Carrier that their positions were abolished effective August 14, 1995 due to various problems within the District Signal Gang. They were released with pay until August 24, 1995 and were sent letters that their jobs were abolished as provided in Rule 33. Subsequently, the Claimants exercised their seniority to other positions and the District Signal Gang was thereafter reestablished.

The instant claim by the Organization arises from its contention that the Carrier did not meet with the General Chairman prior to abolishing the Claimants' positions contrary to Rule 33 and Labor Agreement 15-60-95, Side Letter No. 4.

The record establishes that the claim is without merit. Rule 33, in relevant part, provides that "positions" will not "be abolished until the employees affected have been given not less than five days' advance written notice. . . ." As required by Rule 33, five days' advance written notice was given to the Claimants that their positions were abolished effective August 24, 1995.

Turning to the second matter raised by the claim, the Carrier did not violate Side Letter No. 4 of the 1995 Agreement. The first paragraph of Side Letter No. 4 provides as follows:

"This refers to CSXT Labor Agreement No. 15-60-95, which was reached today. It was agreed that it is not the intent of this agreement to eliminate the present L&N forces to establish the two new L&N Gangs established to perform work on the former C&EI. In the event the Carrier is required to reduce forces on the L&N prior to the completion of this project due to operational requirements the parties will meet to discuss the matter."

The District Signal Gang at Cartersville, Georgia, was not abolished in order to establish the two new L&N Gangs that were to perform work on the former C&EI in Indiana. Moreover, no force reduction took place. Accordingly, there is

Form 1
Page 3

Award No. 34138
Docket No. SG-33400
00-3-96-3-898

no need to determine whether the parties were required to meet as set forth in Side Letter No. 4.

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 Third Division

Dated at Chicago, Illinois, this 19th day of June, 2000.