

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35382
Docket No. CL-35761
01-3-99-3-695**

The Third Division consisted of the regular members and in addition Referee Gerald E. Wallin when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(CSX Transportation, Inc. (former Seaboard Coast Line
(Railroad)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12468) that:

- 1. Carrier violated the Agreement(s) at the Customer Service Center in Jacksonville, Florida, on November 9, 1998, when it required Customer Service Representative K. C. Brabender to work the first day of his assigned vacation.**
- 2. The Carrier shall now compensate Clerk Brabender, ID No. 610905, at the punitive rate of \$205.92 for the dates of November 10, 11, 12, and 13, 1998, for the above violation.”**

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.

The Claimant was scheduled to take five days of vacation beginning November 9, 1998 and relief was planned to cover his position. Subsequent events altered the relief plan, which resulted in the Claimant being called in to cover his position on the first day of his scheduled vacation period. He was not required to perform any work on the remaining four days. The Claimant was paid overtime for November 9 in addition to his vacation pay. The claim seeks overtime for the remaining four days of the vacation period per Section 4 of the National Vacation Agreement. The Carrier

maintains that the Claimant has been properly compensated for the one-day interruption to his scheduled vacation period.

In our view, this claim is controlled by Third Division Award 33830 between these same parties. The Award was adopted after the instant claim was filed. It involved the same Agreement provisions and had no significant factual differences except the number of days of vacation that were interrupted. Therein the Board held that overtime compensation in addition to regular vacation pay was required only for the days on which work was performed. It also found the issue of whether the Claimant volunteered for the interruption or was involuntarily required to interrupt his vacation to be irrelevant to the compensation issue. Third Division Award 33947, also between these same parties, and Award 23898 are in accord.

On the record before us, we find that the Claimant was properly compensated in accordance with applicable Agreement provisions.

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 20th day of March, 2001.