

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

Gene T. Ritter, Referee

---

**PARTIES TO DISPUTE:**

**THE KANSAS CITY SOUTHERN RAILWAY COMPANY**

**BROTHERHOOD OF RAILROAD SIGNALMEN**

**STATEMENT OF CLAIM:**

1. Claim of the Organization that Carrier violated the National Vacation Agreement when it failed to release D. Duncan and D. B. Swan for vacation.

2. Claim of the Organization that Carrier violated Rules 16 and 38 of the Signalmen's Agreement when it required Signal Gang employees to work five days per week, two hours overtime each date Monday through Friday, beginning Monday, February 6, 1967.

**CARRIER'S STATEMENT OF FACTS:**

Claim 1. Claimant Duncan, scheduled to begin two week vacation April 17, 1967, and Claimant Swan, whose three week vacation was to begin July 10, 1967, were advised March 8, 1967, that because of service requirements Carrier would be unable to release them for vacation, and that they would be paid in lieu of vacation.

Claim 2. For a period of approximately nine weeks, claimants assigned to signal gang were required to work two hours overtime each work day in order to perform rush projects (install crossing protection signals). After the projects were completed, the instructions to work overtime were rescinded.

**EMPLOYEES' STATEMENT OF FACTS:** The foregoing Claim, although attributed to the Organization, was not drawn by us; neither has said Claim been handled in the usual manner on the property.

**OPINION OF BOARD:** This Claim was referred to this Division by Carrier on a statement of claim attributed to the Organization. The Organization responded by asserting that this claim was not drawn by it and was never handled on the property in the usual manner as required by Section 3(1)(i) of the Railway Labor Act.

Our review of the record discloses that the instant claim was not handled on the property in the usual manner as required by the Railway Labor Act and that, therefore, this claim should be dismissed.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein.

#### **AWARD**

Claim dismissed in accordance with Opinion.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **THIRD DIVISION**

**ATTEST: S. H. Schulty**  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1969.