

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19714

Docket Number MW-19672

Benjamin Rubenstein, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(The Illinois Central Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it arbitrarily required a group of employees at the Centralia Pressure Welding Plant to take two (2) weeks of vacation beginning January 2, 1970 (System File SLN-109-W-70/Case No. 724 MofW).

(2) In addition to the pay they have received, each of the claimants* be paid at their respective time and one-half rates for the days indicated opposite their names because of the violation referred to in Part (1) hereof.

*The claimants are:

W. J. Hawk.....10 days	K. E. Bierman10 days
F. B. Ehler.....10 days	A. R. King.....10 days
R. C. Cunningham.....10 days	W. S. Weaver.....10 days
K. L. Novak.....10 days	P. J. Pelker.....10 days
J. R. Branson.....10 days	R. C. Dulany.....10 days
J. P. Eryant.....10 days	R. E. McIntosh....10 days
V. H. Shelton.....10 days	J. M. Perry.....10 days
Clyde Pierce.....10 days	J. W. Chapman....10 days
V. G. Lomax.....10 days	E. C. Troutt.....10 days
R. E. Butler.....10 days	J. T. Labuda.....10 days
E. E. Wieneke.....15 days	

OPINION OF BOARD: Claimants are assigned to Carrier's Centralia Pressure Welding Plant at Centralia, Illinois. Carrier was converting the operations of this plant from one shift operation to a two shift operation. During the transitional period, Carrier alleges that it was impossible to continue normal operations at the plant and Claimants were instructed to take two and/or three weeks of their vacation, commencing January 2, 1970. Claimants protested Carrier's instructions as being in violation of Article 4 of the Vacation Agreement.

Article 4(a) and (b) reads as follows:

"(a) Vacations may be taken from January 1st to December 31st and due regard consistent with requirements of service shall be given to the desires and preferences of the employees in seniority order when fixing the dates for their vacations.

"The local committee of each organization signatory hereto and the representatives of the Carrier will cooperate in assigning vacation dates.

(b) The Management may upon reasonable notice (of thirty (30) days or more, if possible, but in no event less than fifteen (15) days) require all or any number of employees in any plant, operation, or facility, who are entitled to vacations to take vacations at the same time.

The local committee of each organization affected signatory hereto and the proper representative of the carrier will cooperate in the assignment of remaining forces."

The primary issue to be determined is whether adequate notice was given to the Claimants requiring all or any number of them to take their vacations at the same time. Carrier asserts that Claimants were aware of the change of operation necessitating shutting down the plant operations during the transition period and all were made aware of the fact by December 22, 1969. Organization introduced statements by Claimants that knowledge of the plant vacation was not made known to them until the week-end of December 26, 1969.

It is the opinion of the Board, giving full consideration to facts and rules at hand, that Carrier did not give adequate notice in accordance with Article 4 of the Vacation Agreement.

The claims will be allowed. Since Claimants have already been paid at straight time for each day claimed, they each shall receive one-half time additional pay for the number of vacation days claimed (15524).

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; and

That the Agreement was violated.

Award Number 19714
Docket Number MW-19672

Page 3

A W A R D

Claim sustained to extent set forth in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1973..