

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20948  
Docket Number SG-20716

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company:

(a) Carrier violated the current agreement between the Brotherhood of Railroad Signalmen and the Chicago North Western Transportation Company when on bulletin #652 dated September 20, 1972, Carrier abolished the relief Signalmen's job for the purpose of evading the intent of the vacation agreement.

(b) Carrier should now be required to reinstate the position of relief Signalman for the purpose of supplying vacation and sick relief as has been past practice for many years.

(c) Carrier compensate Mr. Robert Bethke for the difference in pay between what he receives on the position he works from the date of September 29, 1972; date abolishment was effective; until the time this position is re-established and he is returned to this position he held at the time of its abolishment. /Carrier's file: 79-8-1037

OPINION OF BOARD: As part of a restructuring of signal maintenance territories, Carrier abolished a position; which position provided relief necessitated by vacation, sick leave, etc. The Employees assert violations of the 20 d&f rule, Rule 76 and Article 6 of the National Vacation Agreement.

**RULE 76**

Established positions will not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing rates of pay or evading application of these rules.

**ARTICLE 6**

The carriers will provide vacation relief workers but the vacation system shall not be used as a device to make unnecessary jobs for other workers. Where a vacation relief worker is not needed in a given instance and if

failure to provide a vacation relief worker does not burden those employees remaining on the job, or burden the employee after his return from vacation, the carrier shall not be required to provide such relief worker.

The Organization asserts that the relief positions have existed for more than twenty (20) years. Now, according to Claimants, no positions remain to perform said relief work - even though the work obviously still exists.

It is apparent that this dispute is a part of the Organization's stated objection to Carrier's restructuring of territories. Numerous claims have been submitted to this Board concerning that action: Yet, no Award issued to date has found a violation.

Claimants have stated, at page 9 of its Submission, that the very issues presented here - are before this Board in Docket SG-20498. Award No. 20630 denied that claim in pertinent part.

In order to show a violation of the Rule in issue it is necessary for the Employees to present evidence which demonstrates improper motivations and burdens upon employees. Instead, Claimants have only presented speculations and presumptions of what may be the case. Suggestion of possible "mental burdens" and abstract propositions do not substitute for a showing of facts which would warrant a finding of a violation. See for example Awards 20746, 20355 and 20630.

Had the Employees presented a specific showing of improper utilizations, personnel overloading, etc. - the basis for a claim would be clearly before us for adjudication. But, this record contains no such showing.

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 Employee 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 not violated.

Award Number 20948  
Docket Number SG-20716

Page 3

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1976.