

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29701
Docket No. SG-29759
93-3-91-3-116

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

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

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSXT, Inc. (Former L&N):

Claim on behalf of Signal Gang Members, for proper application of the National Vacation Agreement, as amended, account of Carrier violated the current Signalmen's Agreement, as amended, when it issued a request for vacation dates, assigned dates without Organization's concurrence and canceled requested vacations in December, 1990." Carrier File No. 15-(90-19). BRS Case No. 8211-CSXT.L&N."

FINDINGS:

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

The carrier or carrier and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

This Claim seeks a declaratory order from the Board directing that Carrier apply the National Vacation Agreement in a fashion the Organization perceives that it had ought to be applied. No monetary remedy is being sought, nor is it contended that any Signalman did not receive a full vacation entitlement in 1990. The claim stems from instructions Carrier issued to various Signal Construction Gangs in December 1989, seeking information on vacation preferences for 1990, and indicating that because of the

size of the gangs, only two employees could be on vacation at any one time and that no vacations would be granted in December 1990.

It has not been shown though, that Carrier's attempt to seek information for vacation scheduling is in violation of the Agreement. It appears that the Organization is confusing "requests" for vacation scheduling with that of "assigned" vacation scheduling. While the second paragraph of Section 4 of the National Vacation Agreement, reading:

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

urges cooperation in scheduling, this is not a requirement in developing information necessary for such scheduling.

The Organization has not submitted a Claim to this Board of sufficient detail and clarity on which an Award in its favor can be made.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever, Secretary To The Board

Dated at Chicago, Illinois, this 16th day of July 1993.