

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37187
Docket No. SG-38015
04-3-03-3-453

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corp. (formerly National Railroad Passenger Corp.):

Claim on behalf of signal gangs on Local 18, for Carrier to place the gangs back to their normal hours and to follow proper procedure as outlined in the current Agreement, account Carrier violated the current Signalmen's Agreement, particularly Rule 22, when it changed the gangs start times without giving a copy of the letter outlining the changes to the Local Chairmen. Carrier's File No. NEC-BRS(S)-SD-977. General Chairman's File No. JY32101011-180210. BRS File Case No. 12752-NRPC(S)."

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.

On May 23, 2002, the Carrier notified the members of construction gangs in BRS Local 18 that their schedules were being changed from five eight-hour days with Saturday and Sunday rest days to four ten-hour days with Friday, Saturday and Sunday rest days. It appears that the Carrier also sent notice via U.S. mail to the Local 18 Local Chairman responsible for the gangs involved, but not to the second Local Chairman of Local 18. The Organization contends that the Carrier violated Rule 22 by its failure to send notice to the second Local Chairman. However, the record reflects that the employees affected by the change received notice, were afforded their right to exercise seniority, that no employee chose to exercise seniority and that notice was mailed to one of the Local Chairmen. At most the Organization established a technical violation in the failure to send notice to the second Local Chairman but, to the extent that such a technical violation exists, it does not justify the remedy sought or any other remedy.

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 28th day of September 2004.