

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37213
Docket No. SG-37899
04-3-03-3-289

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation, Inc. (CSXT):

Claim on behalf of C. M. Kreuzer, W. E. Baudendistel and C. P. Heitzer, for 8 hours at the Signal Maintainer's straight time rate of pay for a total of 40 hours to be divided equally among the Claimants, account Carrier violated the current Signalmen's Agreement, particularly Rule 69 (Article 10(b) of the National Vacation Agreement), when it distributed more than 25 per cent of the workload of a vacationing employee to the Claimants without providing a relief worker from June 10, 2002 to June 14, 2002, a period of five days. Carrier's File No. 15(02-0138). General Chairman's File No. TI-01-09-02. BRS File Case No. 12540-B&0.”

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.

At all relevant times herein the Claimants were assigned as Signal Maintainers in the Signal Department when, between June 10 and June 14, 2002 they were required to prepare switches for installation and cover other duties that would otherwise have been performed by another Signal Maintainer who was on vacation during that period.

The Organization contends that in distributing the work of the vacationing Signal Maintainer the Carrier violated Rule 69 because it did not obtain the Organization's agreement after the distribution of the work in question exceeded 25 per cent of the vacationing Signal Maintainer's work load.

We disagree. In the instant case the entirety of the vacationing Signal Maintainer's work load was distributed to the Claimants. Third Division precedent holds that there is no Rule 69 violation if all of the work load of another employee is distributed because, in those circumstances, the employee has in effect been relieved. Such is the case herein.

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.