

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31972
Docket No. TD-32288
97-3-95-3-105**

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

**(American Train Dispatchers Department/International
Brotherhood of Locomotive Engineers**

PARTIES TO DISPUTE: (

(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“(A) CSX Transportation, Inc. (Carrier or CSXT) violated the current effective agreement applicable in the Jacksonville Centralized Train Dispatching Center (JCTDC) including Article 5(i) (Order of Call) when it failed to use Claimant J. E. Dame for overtime on his rest day March 4, 1994.

(B) Because of said violation referred to in paragraph (A) above, the Carrier shall now compensate Claimant Dame one day’s pay at trick train dispatchers rate of \$182.25 for lost work opportunities for Friday, March 4, 1994.”

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 March 3, 1994, at approximately 11:00 P.M., the incumbent on the second shift AG desk at the Carrier’s Jacksonville Centralized Train Dispatching Center marked off

his shift scheduled for the following day at 3:00 P.M. For whatever reasons, the Carrier did not attempt to fill that position until approximately ten minutes before that shift began on March 4, 1994.

Claimant was on his rest day on March 4, 1994. One call was made to Claimant's house approximately eight minutes before the start of the shift. The caller was advised that Claimant was out playing golf. Claimant states that he was home on March 4, 1994 until 2:20 P.M. at which time he left for approximately two hours. An employee junior to Claimant was then used to fill the vacancy.

In these situations, the Carrier "has the obligation to make a reasonable effort to communicate with employees" Third Division Award 21222. Calling an employee eight minutes before the scheduled shift when the Carrier was aware of the vacancy approximately 16 hours beforehand is not reasonable, particularly when the record demonstrates, as here, that the employee was at home during any reasonable period that the call should have been made. As a result, Claimant lost a work opportunity. He shall be compensated for that loss.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 6th day of May 1997.