

Award No. 595

Docket No. 570

2-PT-CM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 18, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

PORTLAND TERMINAL COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the shifts at the Rigby yards, Portland Terminal Company, Portland, Maine, be in compliance with Rule 2, of the current agreement and the memorandum of understanding, dated August 2, 1937.

JOINT STATEMENT OF FACTS: The following shows the assignment of employes in the car department of the Portland Terminal Company in the locations and on the dates as they appear:

Class	Force and Assignments as of August 18, 1937		Force and Assignments as of August 19, 1937		Force and Assignments as of February 21, 1940*	
	Number of Men	Assigned Hours	Number of Men	Assigned Hours	Number of Men	Assigned Hours
RIGBY REPAIR TRACK						
Air Rack Man	1	6 AM- 2 PM	1	8 AM- 4 PM	2	8 AM- 4 PM
Pass. Repair Men as needed	3	6 AM- 2 PM	3	8 AM- 4 PM	3	8 AM- 4 PM
Millman	1	6 AM- 2 PM	1	8 AM- 4 PM	1	8 AM- 4 PM
Wreckmaster	1	6 AM- 2 PM	1	8 AM- 4 PM	1	8 AM- 4 PM
Blacksmith	1	6 AM- 2 PM	1	8 AM- 4 PM	1	8 AM- 4 PM
Blacksmith Hlpr. as needed	1	6 AM- 2 PM	1	8 AM- 4 PM	1	8 AM- 4 PM
Painter	1	6 AM- 2 PM	1	8 AM- 4 PM		
Carman Helpers	2	6 AM- 2 PM	2	8 AM- 4 PM	1	8 AM- 4 PM
Carman "C"	28	6 AM- 2 PM	28	8 AM- 4 PM	19	8 AM- 4 PM
RIGBY YARD INSPECTION						
Carman-Insp. In Yard	2	8 AM- 4 PM				
Carman-Insp.	2	2 PM-10 PM				
" "	2	3 PM-11 PM				
" "	4	4 PM-12 Mid	8	4 PM-12 Mid	8	4 PM-12 Mid
" "	4	6 PM- 2 AM			2	6 PM- 2 AM
" "	2	9 PM- 5 AM	6	9 PM- 5 AM	9	9 PM- 5 AM
" "	2	10 PM- 6 AM				
" "	4	11 PM- 7 AM			3	11 PM- 7 AM

*Date check made.

The verbatim record of the entire minutes of conference for July 13, 1937 is now handed to the chairman for the Board's record.

The record conclusively proves that—

1. Rule 2 (a) specifically provides that the starting time of crews shall be arranged by mutual understanding consistent with the economical and efficient dispatch of work and requirements of the service, and meet the convenience of the employes as far as practicable.
2. Memorandum of understanding dated August 2, 1937, agreed to between the management and the employes in conjunction with Rule 2—Starting Time—specifically provides that further changes in hours of assignments may be made from time to time by mutual understanding when it is necessary to meet the requirements of the service.
3. From the verbatim minutes of the conferences, as quoted, it is clearly evident that the representatives of the employes and the management were in agreement as to the intent of both the rule and memorandum of understanding.
4. The assignments here in dispute were set up in strict compliance with the provisions of Rule 2 (a)—Starting Time—and memorandum of understanding dated August 2, 1937.
5. There is nothing in Rule 2 (a), the memorandum of understanding, or the verbatim minutes, which in any way intimates that the shifts in Rigby yard should be—

8 A. M.	—	4 P. M.
4 P. M.	—	12 Midnight
12 Midnight	—	8 A. M.

6. The claim of the employes here in dispute—

That the shifts at the Rigby Yards, Portland Terminal Company, Portland, Maine, be in compliance with Rule 2, of the current agreement and the Memorandum of Understanding, dated August 2, 1937.

has been, and is now being, complied with.

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

The carrier or carriers 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.

The parties to said dispute were given due notice of hearing thereon.

The claim in this case reads:

“That the shifts at the Rigby yards, Portland Terminal Company, Portland, Maine, be in compliance with Rule 2, of the current agreement and the Memorandum of Understanding, dated August 2, 1937.”

The record shows that both Rule 2 and the memorandum of understanding, dated August 2, 1937, and effective August 19 of the same year, are

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still in full force and effect; therefore the claim of the employes must be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 25th day of March, 1941.