

Award No. 1183

Docket No. 1109

2-TPMPT of NO-FT-'47

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee George A. Cook when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 121, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (FEDERATED TRADES)**

**TEXAS PACIFIC-MISSOURI PACIFIC TERMINAL RAILROAD
OF NEW ORLEANS**

DISPUTE: CLAIM OF EMPLOYEES: That the employees named below are entitled to be paid the amount of money they would have earned at the time and one-half rate opposite their respective names, due to having been improperly deprived of their right to work on certain Sundays and holidays between January 20 and September 30, 1945.

(a) Machinist A. P. Grentz	\$358.87
(b) Boilermaker George Flynn	\$316.61
(c) Sheet Metal Worker H. D. Curry	\$267.75
(d) Mach. Helper Theophilus Thompson	\$313.00
(e) Boilermaker Helper Joseph Boudreaux	\$243.40
(f) Boilermaker Helper Martin Crowley	\$364.98
(g) Sheet Metal Worker Helper J. Harper	\$175.56

EMPLOYEES' STATEMENT OF FACTS: Prior to January 16, 1945, the aforesaid seven claimants, in addition to about thirteen other mechanics and helpers, or a total of about twenty, were regularly assigned to work seven days per week. Effective January 21, 1945, these seven claimants and one electrical worker were reduced from seven-day assignments to six-day assignments, exclusively of Sundays and holidays, without affecting the seven-day assignments of other employees, and this is affirmed by bulletin dated January 16, 1945, copy of which is submitted and identified as Exhibit A.

The regularly assigned seven-day force, effective Sunday, January 21, 1945, including each Sunday and holiday thereafter to and inclusive of Sunday, September 23, 1945, was inaugurated by the same number of employees reduced from seven to six-day assignments on an alternate basis between these claimants and those employees not regularly assigned at any time to work seven days a week under the former or current Rule 2(b). The additional assignments were made on each Saturday, or on the day preceding the holiday, and this procedure, for example, is substantiated by written instructions dated January 20 and 27, 1945, copies of which are submitted and identified as Exhibits B and B-1.

Exhibit A discloses that Machinist F. W. Kramer was reduced from the seven-day to the six-day assignment, but he nevertheless continued to work seven days a week during the period in question.

They were not, therefore, deprived of any right they had under the agreement to work on Sundays and holidays.

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 evidence in this case does not support the claim as presented.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 13th day of May, 1947.