

Award No. 1608
Docket No. 1476
2-AT&SF-CM-'52

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carroll R. Daugherty when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY

DISPUTE CLAIM OF EMPLOYEES: 1—That under the current agreement Carmen H. Heck and E. Jankowski were improperly assigned to a work week Wednesday through Sunday with rest days of Monday and Tuesday.

2—That accordingly the carrier be ordered to:

a) Assign these employees to a proper work week, Monday through Friday with rest days Saturday and Sunday.

b) Make these employees whole by compensating them additionally at the applicable overtime rates instead of straight time for the service which they were assigned to perform on each Saturday and each Sunday, retroactive to September 9, 1950.

c) Make these employees whole by compensating them additionally in the amount of eight (8) hours at the applicable rate of pay for each Monday and each Tuesday, retroactive to September 9, 1950 because they were paid off to equalize the time due to the assignment to work their proper rest days.

EMPLOYEES' STATEMENT OF FACTS: Prior to September 1, 1949, Carmen (car repairers) H. Heck and E. F. Jankowski, hereinafter referred to as the claimants, worked regularly an assignment of six days per week, Monday through Saturday, first shift hours 8:00 A.M. to 12:00 Noon and 12:30 P.M. to 4:30 P.M. on the car department repair track located at Joliet, Illinois.

On or subsequent to September 1, 1949, these claimants were arbitrarily assigned by the carrier to positions of car repairers on the first and only shift 8:00 A.M. to 12:00 Noon and 12:30 P.M. to 4:30 P.M., Wednesday through Sunday, with rest days of Monday and Tuesday at Joliet, Illinois, car department.

the principles enunciated by the Emergency Board. While the employes have repudiated the letter-understanding of October 6, 1950, reproduced in full in this submission, that letter-understanding related to assignments of Tuesday through Saturday and had no application whatsoever to the staggering of car repair forces to protect 7-day service which was fully explained in the carrier's submission in the case covering an identical claim from Wellington. What was said in that case applies with equal force and effect to this case.

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.

Car repairers H. Heck and E. F. Jankowski, claimants in this case who had had six-day work weeks of Monday through Saturday on the carrier's repair tracks at Joliet, Illinois, before September 1, 1949, were assigned after that date work weeks which included Sundays. The organization contends that under the letter of understanding of October 6, 1950 (signed by General Chairman Jamison and by Mechanical Department General Manager Morris), as well as under the 40-hour week rules incorporated in the parties' agreement, these latter assignments were and are improper.

As in the case (Docket No. 1475) decided by Award No. 1599, the organization here has the burden of proving the correctness of its contentions. The facts and the agreements here involved are essentially similar to those in the above-cited case. For the reasons set forth in our Award No. 1599 thereon, we do not find that the organization has sustained its burden in the instant case, and we rule that the dispute before us now must be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 7th day of January, 1953.

DISSENT OF LABOR MEMBERS TO AWARDS NOS. 1599, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, and 1617.

Prior to September 1, 1949 the regular bulletined hours for car department repair track forces were 8 A. M. to 12 noon and 12:30 P. M. to 4:30 P. M., Monday through Saturday (six days a week) in conformity with Rule 2 of the agreement effective August 1, 1945. The regular bulletined hours of these forces did not include Sundays or Holidays.