

Award No. 2097

Docket No. 1913

2-GN-FO-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Firemen and Oilers)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the Carrier improperly denied Laborers R. Trainor, J. Saunders, E. Larson, R. Meyers, R. Paynter, R. Nomenson, M. Meyers, G. M. Green, L. Lucero, C. Horning, J. Paliga, J. Donaldson and R. Chamberlin, the right to work Labor Day, September 6, 1954, at Great Falls, Montana.

2. That accordingly the Carrier be ordered to compensate the afore-said Laborers each in the amount of 8 hours at the time and one-half rate for September 6, 1954.

EMPLOYEES' STATEMENT OF FACTS: At the Great Falls Roundhouse, the carrier on Sunday, September 5, 1954, and on Sundays prior to and subsequent to that date, employed 9 laborers on the first shift, 8 laborers on the second shift and 9 laborers on the third shift. On Labor Day, September 6, 1954, the carrier reduced the force to 6 laborers on the first shift, 4 laborers on the second shift and 4 laborers on the third shift.

The above named Laborers (hereinafter referred to as the clamants) are assigned as following:

First Shift:

C. Horning—	Saturday through Wednesday
J. Donaldson—	Saturday through Wednesday
R. Meyers—	Saturday through Wednesday
L. Lucero—	Saturday through Wednesday

Second Shift:

R. Chamberlin—	Thursday through Monday
R. Paynter—	Thursday through Monday
J. Saunders—	Friday through Tuesday
E. Larson—	Friday through Tuesday
J. Paliga—	Saturday through Wednesday

restrictions on management as to the number of employes who may or may not be worked on such holidays. Such restrictions cannot be added to the schedule by Board dictate.

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.

This case is similar to that covered by our Award No. 2070 (Docket No. 1971), and should likewise 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 11th day of April, 1956.

DISSENT OF LABOR MEMBERS TO AWARD 2097

The majority's finding that "This case is similar to that covered by our Award No. 2070 (Docket No. 1971), and should likewise be denied," demonstrates here, as there, that the majority ignored the fact that insofar as the subject matter of these disputes is concerned the August 21, 1954 agreement only altered the existing agreement to the extent of providing for paid Holidays.

It is evident from the instant record that in 1950, the carrier agreed that the forces on holidays would not be reduced below the number worked on Sundays.

In view of the facts we are constrained to dissent from the findings and award of the majority.

R. W. Blake
Edward W. Wiesner
Charles E. Goodlin
T. E. Losey
George Wright