

**Award No. 3728**

**Docket No. 3513**

**2-GN-CM-'61**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee Howard A. Johnson, when award was rendered.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

**GREAT NORTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:** 1. That under the controlling agreement Carman Ole J. Holland, George Magaffin and Oilers and Brassers Ed N. Oman and James F. Wiltse were improperly denied the right to work on May 30, 1958.

2. That under the current agreement Carmen Oscar Kines and James Bussing and Oilers and Brassers Clarence P. McClelland and Roy Osborne were improperly denied the right to work July 4, 1958.

3. That accordingly the Carrier be ordered to compensate the aforesaid employees each in the amount of eight (8) hours' pay at the applicable time and one-half rate for the dates listed, when they were denied the right to work.

**EMPLOYEES' STATEMENT OF FACTS:** At Everett Train Yard, Everett, Washington, the carrier on Sundays prior to and after May 30, 1958 and July 4, 1958, employed two (2) inspectors and one (1) oiler and brasser on the first shift, two (2) inspectors and no oilers and brassers on the second shift, and two (2) inspectors and one (1) oiler and brasser on the third shift.

On May 30, 1958 and July 4, 1958, the carrier reduced the force to one (1) inspector on the first shift, one (1) inspector on the second shift, and two (2) inspectors on the third shift.

The claimants were not permitted to work on the dates in question.

The dispute was handled with carrier officials designated to handle such affairs, all of whom declined to adjust the matter.

The agreement effective September 1, 1949, as subsequently amended, is controlling.

**POSITION OF EMPLOYEES:** It is submitted that the facts show that the carrier employed two inspectors and one oiler and brasser on the first shift, two inspectors and no oilers and brassers on the second shift, and two inspec-

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.

Parties to said dispute were given due notice of hearing thereon.

This docket presents the same questions as were raised in Award No. 3726 and necessitates the same conclusion.

#### **AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION**

**ATTEST: Harry J. Sassaman  
Executive Secretary**

**Dated at Chicago, Illinois, this 6th day of April 1961.**

#### **DISSENT OF LABOR MEMBERS TO AWARDS 3726 TO 3729, INCLUSIVE**

We consider as erroneous the awards accepted by the majority as authority for denying this claim. Under the circumstances we consider it unnecessary to do other than incorporate herein by reference our dissents to the awards cited by the majority as giving the weight of authority for denying the instant claim.

**Edward W. Wiesner**

**R. W. Blake**

**Charles E. Goodlin**

**T. E. Losey**

**James B. Zink**