

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: ( System Federation No. 16, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That Carrier violated the Current Working Agreement when shift hours of all train yard car inspectors at Conneaut, Ohio were arbitrarily changed from 6:30 a.m. to 2:30 p.m., to 7:00 a.m. to 3:00 p.m. (first shift); from 2:30 p.m. to 10:30 p.m., to 3:00 p.m. to 11:00 p.m. (second shift); from 10:30 p.m. to 6:30 a.m., to 11:00 p.m. to 7:00 a.m. (third shift), effective November 4, 1974.
2. That accordingly, Carrier be ordered to revert to previously established shift times at Conneaut, Ohio--that is, 6:30 a.m. to 2:30 p.m. (first shift); 2:30 p.m. to 10:30 p.m. (second shift); 10:30 p.m. to 6:30 a.m. (third shift).
3. That Carrier be ordered to compensate the entire Carmen Craft working at Conneaut, Ohio and affected by above said change in shift times one-half ( $\frac{1}{2}$ ) hour each at the time and one-half rate of pay from November 4, 1974 and every working day thereafter, until violative shifts are rescinded and previously established shifts are restored.

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 waived right of appearance at hearing thereon.

During September 1974 the Carrier analyzed its starting times for transportation yard forces at Conneaut, Ohio. This analysis concluded there was a need to have the shift times coordinated so supervisors reporting at 7:00 A.M. could contact third shift employees who previously were relieved at 6:30 A.M. The Carrier, therefore concluded that the three shifts should be changed to 7:00 A.M., 3:00 P.M. and 11:00 P.M. These shift times would change forty (40) years of scheduling the shifts at 6:30 A.M., 2:30 P.M. and 10:30 P.M.

The Carrier held a conference with the Local Committee on September 15, 1974 and informed them of its desire to change the starting times of shifts. The Local Chairman requested additional time to consider the matter and this request was granted. A second conference was held on October 20, 1974 and the Local Chairman objected to the shift changes on the basis of the inconvenience it would cause in the personal lives of employees. Again the Local Chairman asked for additional time. On October 30, 1974 the Carrier asked the Local Chairman for his decision and he stated he was not agreeable to the change. The Carrier also posted a notice of the new shift times on October 30, 1974.

The fundamental issue in this case is whether the carrier complied with Rule 4 of the agreement which provides, in part:

"The starting time of any shift shall be arranged by mutual understanding between the Local Officers and the Employees' Committee based on actual service requirements."

Numerous awards of this Board have held that the parties must negotiate changes in shift times and attempt to reach an agreement, and if no agreement is reached in negotiations, the Carrier may establish starting times based on "actual service requirements". See Second Division Awards 2798, 4443, 4149, 4605, 6691 and 6895. In this case the Organization had ample opportunity to negotiate about new starting times. The failure of the parties to reach an agreement left the Carrier with the option of making changes based on service requirements. The need for providing supervisory coordination with third shift employees involves the efficient utilization of employees, which directly affects service requirements.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 31st day of July, 1978.