

Award No. 758

Docket No. 691

2-MP-FT-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

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

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYES'  
DEPARTMENT, A. F. OF L. (FEDERATED TRADES)**

**MISSOURI PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:** (a) That at North Little Rock roundhouse, the carrier is and persists in violating Rule 2 (a) and (b), by requiring the day force employees to begin work—some at 7:00 A. M., and others at 8:00 A. M.

(b) That one starting time of all day force employees at the North Little Rock roundhouse be established as required by Rule 2 (a) and (b).

**EMPLOYEES' STATEMENT OF FACTS:** At North Little Rock roundhouse, the carrier employs two shifts. These shifts are known and recognized, one as a day shift and the other as the night shift. On these said shifts are employed machinists, B machinists, helpers and apprentices; boilermakers, B boilermakers and helpers; sheet metal workers, B sheet metal workers and helpers; electrical workers and helpers; blacksmiths and helpers; locomotive carpenter and helper, and one painter.

The number, classification and hours worked within the period from 7:00 A. M. to 5:00 P. M. of the day force employees, are as follows:

**Force 1**

5 Machinists	7 to 11, one hour for lunch	12 to 4
1 "	7 to 3, 20 minutes for lunch	
2 B "	7 to 11, one hour for lunch	12 to 4
3 Mach. Helpers	7 to 11, " " " "	12 to 4
1 " "	7 to 3, 20 minutes for lunch	
1 Boilermaker	7 to 11, one hour for lunch	12 to 4
2 " Helpers	7 to 11, " " " "	12 to 4
1 Sh. Metal Worker	7 to 11, " " " "	12 to 4
1 Locomotive Carpenter	7 to 11, " " " "	12 to 4

**Force 2**

48 Machinists	8 to 12, one hour for lunch	1 to 5
14 B "	8 to 12, " " " "	1 to 5
53 Machinist Helpers	8 to 12, " " " "	1 to 5
13 Boilermakers	8 to 12, " " " "	1 to 5
2 B Boilermakers	8 to 12, " " " "	1 to 5

Carrier's Exhibit A—letter dated October 30, 1934 to our general superintendents, superintendents, shop superintendents and master mechanics, a copy of which was furnished as is evidenced on sheet eight thereof to each of the general chairmen then representing the employes in the negotiation of the agreement, explaining to them the changes that were made in the 1934 agreement as compared with the 1929 agreement.

Rules 1 and 2 of the 1934 agreement are identical with those of the 1936—current agreement.

Carrier's Exhibit B—History of the hours of service rules applicable to shop **craft employes from 1919 to 1941 inclusive.**

**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 record shows that the present working arrangement has been in force and effect since 1926. That when the 1934 agreement was negotiated, the employes suggested a change in the rule. The change was not agreed to. At the time the agreement dated July 1, 1936 was entered into, the employes again requested a change in the rule. This change was not agreed to and was withdrawn. This Award is based solely on the fact that under this record the employes have waived the right to a different interpretation of the rule involved.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 20th day of April, 1942.