

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (FEDERATED TRADES)**

CHICAGO ROCK ISLAND AND PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That at Des Moines roundhouse, Iowa, the shift, with lunch period of thirty (30) minutes, which ends at 4:30 P. M., and the shift beginning at 8:00 P. M., are not authorized by the current agreement.
2. That accordingly the carrier be ordered to:
 - (a) Additionally and daily pay time and one-half on the actual minute basis to each employe of the six shop crafts who performed service from 4:00 P. M., to 4:30 P. M., retroactive to September 12, 1947.
 - (b) Disestablish the 8:00 P. M. shift.

EMPLOYEES' STATEMENT OF FACTS: Prior to September 12, 1947, the carrier operated in the roundhouse at Des Moines, Iowa, three consecutive 8-hour shifts of running repair and inspection forces, each shift beginning at 8:00 A. M., 4:00 P. M. and 12:00 Midnight.

On September 5, 1947, the carrier placed on the bulletin board the following instructions:

"Des Moines will discontinue 3 shifts and will continue with 2 shifts, starting five days from this date September 10, 1947, these shifts running from 8:00 A. M. to 4:30 P. M., with a half hour for lunch, and from 8:00 P. M. to 4:00 A. M. straight time."

The rearrangement of shifts was made effective September 12 in lieu of the 10th, as above stated, and the new assignments of hours are—

- 1.—Inspection forces—8 A. M. to 4 P. M., all classes 1.
- 2.—Inspection forces—4 P. M. to 12 midnight, all classes 1.
- 3.—Inspection forces—12 midnight to 8 A. M., all classes 1.
- 4.—Running repair forces—8 A. M. to 4:30 P. M., all classes 101.
- 1.—Running repair forces—8 P. M. to 4 A. M., all classes 18.

The agreement dated effective September 15, 1941, is controlling, and, in accordance with the terms thereof, this dispute has been handled up to and with the highest designated carrier officer to whom such dispute is subject to appeal, with the result that this officer has declined to adjust it.

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.

The carrier in this instance desired to change the number of shifts established at this roundhouse from three shifts to two shifts. Notice was given the employes by posting the following bulletin:

"Des Moines will discontinue 3 shifts and will continue with 2 shifts, starting five days from this date September 10, 1947, these shifts running from 8 A. M. to 4:30 P. M. with a half hour for lunch, and from 8 P. M. to 4 A. M. straight time."

The rearrangement of shifts as per this bulletin is not a violation of the agreement. After the effective date of the bulletin, or when the two shift arrangement was put into effect, the carrier continued a part of the running repair and inspection force on a three shift arrangement with the following assigned hours:

8 A. M. to 4 P. M.
4 P. M. to 12 Midnight
12 Midnight to 8 A. M.

These assignments were contrary to the provisions of Rule 3 of the agreement; therefore, were not permissible.

AWARD

Claim to be disposed of in accord with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 14th day of May, 1948.