



**Award No. 5828**

**Docket No. 5657**

**2-IC-FT- '69**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL — CIO  
(Federated Trades)**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier arbitrarily changed the starting and quitting time of all the Employees at the Paducah Shops, Paducah, Kentucky, on April 25, 1966 and up to, but not including June 6, 1966, in violation of the current agreement.
2. That the Carrier be ordered to compensate each Employee whose name appears on Employees' Exhibit A, attached hereto, for one (1) hour at the rate of time and one-half for each day they were required to work an hour in advance of their regular starting time.

**EMPLOYEES' STATEMENT OF FACTS:** That the employees listed on Exhibit A, hereinafter referred to as the claimants, were employed by the Illinois Central Railroad Company, hereinafter referred to as the carrier, at its Paducah Shops, Paducah, Kentucky.

That on April 19, 1966, carrier posted notice to all shop employes that the Paducah Shops, Paducah, Kentucky, would observe daylight savings time beginning April 25, 1966. That on April 20, 1966, the shop union representatives requested a conference with carrier officers to discuss the matter of putting the Paducah Shops on daylight savings time. This conference was held on April 21, 1967, and the shop union representatives' letter confirming same is attached. It will be noted that this letter, dated May 3, 1966, confirmed that carrier declined the local federation's request to submit the question of daylight savings time observance to a vote of the employes of the Paducah Shops.

That on June 2, 1966, carrier's officer, Shop Superintendent C. T. Eaker, requested that another poll be taken of the employes at the Paducah Shops to determine any change in their attitude on the Paducah Shops going on daylight savings time. This poll was taken with the results that the Paducah Shops Federation requested that the Paducah Shops go on daylight savings

. . . it was not unreasonable for Carrier to notify Claimant that his starting time would be Daylight Saving Time, the time adopted by the community.

If the federation desires to change the agreement to provide that all starting times be on standard time, the remedy is through negotiation, and not by filing claims.

**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.

The claim in this case was filed with the Shop Superintendent by letter dated June 20, 1966, and declined by him on August 16, 1966. Sixty-five days later, the Company's next office in the Appeals procedure, received the Federation's appeal of the Superintendent's declination. The letter was dated 59 days after the claim was rejected and the envelope containing the letter, was postmarked on the 63rd day. The Company officer wrote the Union on November 22, 1966, that the claim was closed because the Union failed to appeal within 60 days.

Rule 37(b) of the Agreement, which is identical to Article V, Section 1(b), of the August 21, 1954 Agreement provides in part:

"If a disallowed claim or grievance is to be appealed, such appeal must be in writing and must be taken within 60 days from receipt of notice of disallowance, . . . . Failing to comply with this provision, the matter shall be considered closed, . . . ."

We hold that the appeal was not filed within the sixty day period as specified above, and are accordingly left with no alternative other than to dismiss the claim.

#### A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: Charles C. McCarthy  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of December, 1969.