

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 4, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Western Maryland Railway Company

Dispute: Claim of Employees:

1. That the Western Maryland Railway Company violated the controlling Shop Crafts' Agreement, particularly Rule 1, when on Bulletin No. 2, dated January 11, 1974, Carrier advertised and awarded a five (5) day position to Electrician M. Knight with a Wednesday and Thursday rest day.
2. That, accordingly, the Western Maryland Railway Company be ordered to restore the Saturday and Sunday rest days on the position advertised as Position No. 2 on Bulletin No. 2, dated January 11, 1974 and subsequently awarded to Electrician M. Knight.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 question to be resolved in this dispute is whether the provisions of Rule 1 of the Agreement was violated when Carrier established a position at McComas Street Piers tractor shop with rest days Wednesday and Thursday rather than rest days Saturday and Sunday.

The "NOTE in Rule 1(1) provides:

"The expressions 'positions' and 'work' used in this rule refer to service, duties, or operations necessary to be performed the specified number of days per week, and not to be work week of individual employees."

Form 1
Page 2

Award No. 7149
Docket No. 7046
2-WM-EW-'76

It is clear from this rule that the length of the work week is to be determined by an examination of the necessary service to be performed, and not by the work week of the individual.

The record herein shows that the McComas Street Piers operations have for many years been on a seven day schedule, and that operational requirements cannot be met on a Monday through Friday schedule. Under the circumstances, the claim must be denied.

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 15th day of October, 1976.