

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.

DISPUTE.—Claim of J. B. Swaim for one day's pay, July 4, 1933, account extra man called to work in his stead on that day.

FINDINGS.—The Third division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the 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.

The parties to said dispute were given due notice of hearing thereon.

Employee J. B. Swaim was regularly assigned as Telegrapher in "GO" office of the carrier at Chicago, Illinois, from 9:30 A. M. to 5:30 P. M., exclusive of Sundays and Holidays.

On Sundays and Holidays there were three Telegraphers (not including Swaim) regularly assigned in the same office.

On July 4, 1933 (a recognized Holiday), the services of a Telegrapher, in addition to the regular assignment on that date, were required and the carrier caused Telegrapher Bauman to be called from the extra list at 8:00 A. M. to report for duty at once.

Extra Telegrapher Bauman reported and immediately went to work at 9:30 A. M. in response to said call, and was compensated for his day's work in accordance with agreement in effect between the parties bearing effective date of January 1, 1928.

Under a practice promoted by the carrier irregular extra work on Sundays and Holidays has been given to Telegraphers occupying regular week day assignment when the extra Sunday and/or Holiday work shall have come within the same hours of the week-day assignment, and Telegrapher Swaim claims that he, instead of Bauman, should, therefore, have been given the extra work on the Holiday date in question.

The evidence shows that it so happened that the time (9:30 A. M.) at which extra Telegrapher Bauman began work on July 4, 1933, corresponded with the assigned week day starting time of Telegrapher Swaim, but the fact remains that the extra shift on July 4, 1933, was worked within the regular week-day hours assigned to Telegrapher Swaim and, being available, he should have been permitted, per the established practice, to work said extra shift in preference to a Telegrapher from the extra list.

AWARD

Claim allowed upon its individual merits.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

(Signed) H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 19th day of February 1935.