

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

DISPUTE.—J. P. Hanna, occupying position of Agent at Walworth, Wisconsin, claims payment for one call, two hours at time and one-half, each day for work performed May 1, 1933, to September 23, 1933, inclusive.

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

The carrier and the employee 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.

The payment claimed is based upon current Telegraphers' Schedule, Rule 11 (a), reading as follows:

"The starting time for all station agents will be between 6:00 and 8:00 A. M.; for all telegraph operators, telephone operators (except switchboard operators), levermen, and staffmen at one shift offices will be between 6:00 and 8:00 A. M. or P. M., except the starting time may be otherwise arranged by mutual understanding between the Local Officers and employees' committee, based on actual service requirements."

Also current Telegraphers' Schedule, Rule 12 (c), reading:

"Except as provided in section (a), this rule, employees notified or called to perform work not continuous with the regular work period will be allowed a minimum of three (3) hours for two (2) hours' work or less, and if held on duty in excess of two (2) hours, time and one-half will be allowed on the minute basis."

Prior to May 1, 1933, the assigned hours for the Agent at Walworth were 6:00 A. M. to 2:00 P. M. In order to conform with daylight-saving time, a change in scheduled trains was made on that day and the agent was re-assigned from 5:30 A. M. to 1:30 P. M. The Division Superintendent notified the agent to report for duty at 5:30 A. M., also notified the Local Chairman for the Telegraphers on May 2nd, 1933, of the change made in the starting time and requested the Local Chairman to agree to starting the employee before 6:00 A. M. The Local Chairman declined agreement.

That the action of the Carrier in establishing starting time for the agent at Walworth as 5:30 A. M. without being "Arranged by mutual understanding between the Local Officers and employees' committee, based on actual service requirements", was contrary to the provisions of Rule 11 (a), of the Agreement.

AWARD

Claim of the employee is sustained.

By order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 22nd day of March 1935.

In respect of item (c) made subject of dispute, employe Rolfes claims a seniority date as Steward May 9, 1918, whereas the Carriers concede him a seniority date of May 9, 1918, as Commissary Clerk and a Seniority date of May 3, 1929, as Steward.

It is found that May 3, 1929, correctly establishes employe Rolfes' seniority date as Steward.

All matters made subject of this dispute have been heretofore disposed of in conference between the then representatives of the parties to the Agreement cited.

AWARD

All claims made subject of dispute are denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 21st day of March 1935.