

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY
THE CHICAGO, ROCK ISLAND AND GULF RAILWAY COMPANY

DISPUTE.—“Claim of employees that the carrier does not have the right under Rule 51 to reduce the number of work days from six to five days per week prior to first laying off junior men.”

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

The carriers and the employees involved in this dispute are respectively carriers and employees 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.

An Agreement is shown to exist between the parties governing the hours of service and working conditions of employees therein designated, from which Agreement complainant party cites, among others, the following Rules 4 and 51, to wit:

“RULE 4. *Reduction in force.*—In the reduction of forces same will be made in reverse order of seniority, except where the junior employe has exceptional experience, ability, merit, or fitness sufficient to warrant his retention in the service in preference to a senior employe, the employing officer to be the judge, subject to appeal.”

“RULE 51. *Reductions to decrease expense.*—Gangs will not be laid off for short periods when proper reduction of expenses can be accomplished by first laying off the junior men. This will not operate against men in the same gang dividing time.”

In the judgment of the Third Division, Rule 51 is clear, and it is in evidence that when invoking the provisions of Rule 51 the Carrier's representatives have, in order to promote common understanding, pursued a policy of conferring with representatives of the employees to be affected thereby.

AWARD

The specific “claim” which goes to the “rights” of the parties under Rule 51 is remanded for adjustment between them per said Rule, and on the basis of the findings upon which this Award is predicated.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 5th day of April 1935.