

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

DISPUTE.—“Employees claim that in requiring employees to lay off five days each month in addition to laying off one day each week from March 20, 1933, to April 1, 1934, the Carrier violated the current schedule rules as well as special verbal agreement entered into September 30, 1931, and that senior employees should be paid for time lost on account of such additional lay off.”

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 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.

During the period of time covered in the dispute there existed an agreement 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, to wit:

“RULE 3. *Force Reduction*.—Except as provided in Rule 4 of this article and in Rule 21 of Article III, when force is reduced, the senior men in subdepartment on the seniority district, capable of doing the work, shall be retained.”

“RULE 43. *Reduction of Forces*.—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 Rules 3 and 43 are clear.

AWARD

The specific “claim” which goes to the rights of the parties under the Agreement cited is remanded for adjustment between them per the terms thereof and per such mutual understanding as may have been had in conference between them on September 30, 1931.

Claim for reimbursement of wages said to have been lost by “Senior Employees” is denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

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