

NATIONAL RAILROAD ADJUSTMENT BOARD  
Third Division

PARTIES TO DISPUTE:

DINING CAR COOKS AND WAITERS INDUSTRIAL ASSOCIATION  
MISSOURI-KANSAS-TEXAS LINES

DISPUTES.—“*Statement of Claim.* (a) How shall the cooks and waiters employed in the Dining Car Department of the Missouri-Kansas-Texas Lines be compensated when required to work on days constituting their monthly relief period? (b) Shall the employees be compensated retroactively for time required to work during the monthly relief period, between the dates of June 1931 and March 1934?”

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.

An Agreement, governing wages, hours of service, and working conditions of employees therein designated, is shown to exist between the parties bearing effective date February 1, 1927, with three addenda thereto effective January 1, 1929, May 1, 1929, and July 1, 1934, respectively.

From said Agreement complainant party cites and relies upon the following Article 3, to wit:

“Not less than four days or multiples thereof off duty each calendar month will be allowed at designated home terminal.”

It is shown that complainant employees are compensated at a monthly rate per agreement in evidence.

The said Agreement is silent in respect of any additional compensation accruing for services rendered on days “off duty” within the meaning of Article 3, but it is found that the carrier does, in fact, allow the employees extra compensation at pro rata of the monthly rate for extra service rendered on such “off duty” days.

AWARD

(a) In accordance with existing practice established by the carrier per finding of fact last hereinabove.

(b) There is no showing of any arrears in compensation allowances.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,  
Secretary.

Dated at Chicago, Illinois, this 13th day of May 1935.