

Award No. 855
Docket No. SG-798

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Dozier A. DeVane, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

**THE CLEVELAND, CINCINNATI, CHICAGO &
ST. LOUIS RY. CO.**

THE PEORIA & EASTERN RY.

STATEMENT OF CLAIM: "(A) Claim for termination of share-the-work practices and restoration of the regular schedule of employment of six days' work per week for all Signal Department employees affected.

"(B) Claim of employees affected for compensation for the difference between the regular six day work week and the reduced work week due to the refusal of the management to terminate share-the-work practices and restore the employees to their regular six-day work week in accordance with the request of the General Chairman as of September 1, 1937."

STATEMENT OF FACTS: The statement of facts and position of the parties in this dispute are substantially identical to the facts and position as set forth by the parties in Docket SG-794, Award No. 854, the exception being that the parties were apparently in agreement that, when the management in December, 1937, placed all signal department employees holding assignments on positions worked six days or more per week on a six-day work week basis on other lines of the New York Central System, no such restoration of the six-day work week so placed into effect applied to Signal Department employees on the Big Four R. R. represented in this dispute because no positions were regularly worked in excess of five days per week.

The Board has, therefore, deemed it unnecessary to quote the statements and positions of the parties in this case.

There is in existence an agreement between the parties bearing effective date of November 1, 1926.

OPINION OF BOARD: This case is similar to that involved in Docket SG-794, Award Number 854, except as noted in the Statement of Facts, and the conclusions and opinion set forth there are applicable in this case.

The general claim made in behalf of the employees for the restoration of the former schedule of employment of six days' work per week for all regularly assigned signal department employees will be dismissed without prejudice as to those employees holding regular assignments on positions worked less than six days per week.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That claim (A) should be dismissed without prejudice as to employees holding regular assignments on positions worked less than six days per week; and claim (B) should be dismissed.

AWARD

Claim (A) dismissed without prejudice as to employees holding regular assignments on positions worked less than six days per week; claim (B) dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 8th day of June, 1939.