

Award Number 5557
Docket Number SG-5499

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Edward F. Carter, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
CHICAGO AND NORTH WESTERN RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the System General Committee of the Brotherhood of Railroad Signalmen of America on the Chicago and North Western Railway Company that:

The Leading Signal Maintainer assigned at "NI" West Chicago, Illinois, be compensated eight hours at his straight time rate for Mondays and the difference between his straight time rate and rate and one-half for Saturdays, since the effective date of the shorter work-week. (September 1, 1949)

JOINT STATEMENT OF FACTS: Incident to the establishment of the shorter work-week effective September 1, 1949, the following instructions were issued by Mr. K. Chamberlain, Supervisor Communications and Signals:

"ALL SIGNALMEN—CENTRAL ILLINOIS DISTRICT

NOTICE

Effective September 1st, 1949, a 40 hour work week consisting of five 8 hour days, will be established.

The 'work week' shall extend from Monday to Friday inclusive for all signal department employes except as follows:

The 'work week' for leading signal maintainers at 'NI' West Chicago, and 'NY' Nelson shall extend from Tuesday to Saturday inclusive.

New Years Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas will be observed as heretofore.

West Chicago, Ill.
Aug. 23, 1949.

K. Chamberlain, Supvr. Com. & Sigs."

The signal force at "NI" West Chicago, Illinois consists of a Leading Signal Maintainer, Signal Maintainer and Assistant Signal Maintainer, with the same headquarters and territory.

"The expressions 'positions' and 'work' used in this rule refer to service, duties or operations necessary to be performed the specified number of days per week, and not to the work of individual employees." (Emphasis supplied)

Rules 5½(c) and 5½(i) provide as follows:

"(c) Six-day Positions

Where the nature of the work is such that employees will be needed six days each week, the rest days will be either Saturday and Sunday or Sunday and Monday."

"(i) Beginning of Work Week

The term 'work week' for regularly assigned employees shall mean a week beginning on the first day on which the assignment is bulletined to work, and for unassigned employees shall mean a period of seven consecutive days starting with Monday."

In respect to the observance of the seven holidays listed in the last paragraph of the Notice quoted in the Joint Statement of Facts:

The second paragraph of Rule 12, signalmen's agreement, provides as follows:

"The observance of New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas, will not be regarded as reducing the established working hours or days."

In order to properly and adequately protect the maintenance and service requirements in the territory covered by the signal forces with headquarters at "NI" the services of signal employees are needed six days per week, Monday to Saturday, inclusive.

It is the position of the Carrier that the assignment of the Leading Signal Maintainer to a Tuesday through Saturday work week with Sunday and Monday as rest days and the assignment of the balance of the forces to a Monday through Friday work week with Saturday and Sunday as rest days is not contrary to the provisions of any rules in the applicable signalmen's schedule agreement but that such assignments are in conformity with the provisions of Rule 5½(c), quoted above, and that this Board cannot properly sustain the claim of the employees.

OPINION OF BOARD: Prior to September 1, 1949, Carrier maintained a signal force at "NI" West Chicago, consisting of a Leading Signal Maintainer, a Signal Maintainer and an Assistant Signal Maintainer, each assigned six days each week with Sundays as rest days. After the establishment of the 40 hour week on September 1, 1949, the Leading Signal Maintainer was assigned to work Tuesday through Saturday and the other two were assigned to work Monday through Friday. The Organization contends that this was an improper assignment of the Leading Signal Maintainer and claims for the claimant for time lost in not being permitted to work his correct assignment and time and one-half for the time actually worked outside his regular assignment if it had been correctly assigned.

The Carrier contends that the work performed by the claimant was such that it must be performed six days per week. The record shows that the territory assigned to the signal maintenance force at "NI" West Chicago is at the west end of the Chicago suburban territory on the Galena Division. West Chicago is a turnaround point for many suburban trains. The territory assigned includes within its limits the electric interlocking at "NI", the CTC

controlled stations at "WX" and "GX", a portion of the maintenance of the electric interlocking at "BJ" (EJ&E crossing of main line) and remotely controlled interlocking "A" (EJ&E crossing of the Freeport and Williams Bay Lines). It is the position of Carrier that signal maintenance is required in this area on six days of each week. We think the evidence supports the Carrier in its contention that six day maintenance service is required in the territory assigned to the signal maintenance force at "NI". This being established, the dispute is controlled by Award 5556. For the reasons therein stated, the claim is denied.

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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 12th day of November, 1951.