

Award No. 6122
Docket No. SG-5975

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Dudley E. Whiting, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
ATLANTA TERMINAL COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Atlanta Terminal Company that:

(a) The Carrier violated the terms of the Signalmen's Agreement when it arbitrarily changed a long established practice by blanking two regularly assigned positions on a legal holiday, November 23, 1950.

(b) The Carrier shall now be required to pay all employees who have been adversely affected by this action of the Carrier, at their respective rates on the overtime basis, for all hours lost up to a total of eight (8) hours.

EMPLOYEES' STATEMENT OF FACTS: The Signal Force on this Carrier consists of one Leading Signal Maintainer and two Signal Maintainers on first shift; one Signal Maintainer on second shift; and one Signal Maintainer on third shift.

These positions were regularly assigned by Bulletin, which designated hours of service and days off.

On November 21, 1950, the Carrier issued a bulletin as follows:

"Atlanta, Ga., November 21, 1950.

Switch & Signal Department

On account of Thursday, November 23rd, 1950, being a Legal Holiday, we will retain only the three trick Maintainer positions on that date.

Also, on account of Monday, December 25th, 1950, being a Legal Holiday, we will retain only the three trick Maintainer positions on that date.

Please be governed accordingly.

(Sgd.) H. B. Siegel,
Manager."

OPINION OF BOARD: Determination of this claim is governed by our Award No. 6121.

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 violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of March, 1953.