

Award No. 10517

Docket No. TE-9635

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the St. Louis Southwestern Railway Lines, that:

1. Carrier violated the terms of the Telegraphers' Agreement when in changing the assigned work week and rest days of Agent-Telegrapher W. H. Thompson, Powell, Texas, it suspended him from work on Saturday and Sunday, August 18 and 19, 1956, thus permitting him to work only three days in his work week which began on Wednesday, August 15, 1956.

2. Carrier shall now compensate Agent Thompson for the two days he was required to lose, August 18 and 19, 1956, at straight time rate of pay.

POSITION OF EMPLOYES: While the entire Agreement as amended is relied upon by the Employees to support their claim in this case, they quote from Supplemental Agreement signed July 28, 1949, effective September 1, 1949, for the convenience and ready reference of the Board, as follows:

"Under date of March 19, 1949, the parties hereto, through their designated representatives, became parties to the so-called National Forty-Hour Week Agreement, effective September 1, 1949. It is hereby agreed that Agreement requires the following additions, eliminations and changes in the current Telegraphers' schedule agreement effective December 1, 1934, and in the Mediation Agreement signed at Chicago on July 13, 1945, in Case A-2070, and commonly known as the Telegraphers' Rest Day Agreement:"

ARTICLE 4

Guarantees

"Regularly assigned employees covered by this agreement will be guaranteed a minimum of eight hours pay within each twenty-four (24) hour period, according to location occupied or to which entitled when ready for service and not used, or if required on duty less than

Division Superintendent Hazlewood denied Agent Thompson's claim for eight hours at straight time rate of pay for each of these days, Saturday, August 18 and Sunday, August 19, 1956, hence this appeal to you.

Yours very truly,

/S/ C. M. Fitzhugh

C. M. Fitzhugh
(General Chairman)

cc — Mr. W. G. Hazlewood

OPINION OF BOARD: The issue arising from this claim may now be considered as settled by virtue of Awards 6519, 7324, 7319, 8103, 8144, and 9962 (among others).

The aforementioned Awards allow that type of claim made herein, and we do not believe that the decisions rendered therein are palpably erroneous.

Therefore, the present claim should be approved.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1962.