

Award No. 10875
Docket No. TE-9840

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Levi M. Hall, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

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

1. Carrier violated the terms of the Telegraphers' Agreement when on March 19, 1957, it changed, effective Friday, March 22, 1957, the assigned work week and rest days of Agent-Telegrapher E. Fisk, Nevada, Texas, so as to permit Mr. Fisk to work only three days of his work week which began Thursday March 21, 1957, and to require that he suspend work on Sunday, March 24 and Monday, March 25, 1957, the fourth and fifth work days of his work week which began on Thursday, March 21.

2. Carrier shall compensate Agent-Telegrapher E. Fisk for the two days — March 24 and March 25, 1957 — which he was thus required to lose, at straight time rate of pay.

EMPLOYES' STATEMENT OF FACTS: There is an agreement bearing date of December 1, 1934 in effect between the parties to this dispute. This Agreement has been amended from time to time subsequent to its effective date both as to rules and rates of pay. Copy of the Agreement and all amendments thereto should be on file with this Division of National Railroad Adjustment Board, and are by this reference made a part of this submission just as though copied herein word for word.

E. Fisk, the Claimant here, was and is the regularly assigned agent-telegrapher at Nevada, Texas, the station involved in this dispute. Prior to the change in his work week and rest days, which gave rise to this dispute and claim, Mr. Fisk's work week and rest days were as follows:

Thursday, Friday, Saturday, Sunday, Monday — work days
Tuesday and Wednesday — rest days

In a telegram dated March 19, 1957, Division Superintendent W. G. Hazlewood informed Agent-Telegrapher Fisk that:

"Effective Friday, March 22, Agent E. Fisk at Nevada will observe assignment from 4:00 P. M. to 12:00 MN, five days per

VI

In conclusion the Carrier respectfully submits that the claim of the Employees clearly is without merit or support under the rules of the current Agreement and should be denied.

All data herein has been presented to representatives of the Employees in correspondence or in conference.

(Exhibits not reproduced.)

OPINION OF BOARD: The instant claim presents the identical issue between the same parties that was raised in Award 10517.

The decision rendered in Award 10517 is not erroneous and is controlling on this Board. Ample support for the award may be found in innumerable previous awards — 8103, 8144, 9962 and 10497 among others.

Consequently, the present claim should be allowed.

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 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of October 1962.