

Award No. 11990  
Docket No. TE-10692

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Bernard J. Seff, Referee

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**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, that:

1. Carrier violated the agreement between the parties when in changing rest days it suspended Sara V. Smith from work on August 16, 1957, a work day of her work week.

2. Carrier shall compensate Sara V. Smith in the amount of one day's pay (8 hours) at the pro rata rate on August 16, 1957.

**EMPLOYES' STATEMENT OF FACTS:** The agreements between the parties are available to your Board and by this reference are made a part hereof.

Because of a reduction in force at Commerce, Texas, the Carrier changed the rest days of several positions at this station including Relief Position No. 5. Sara V. Smith was the regularly assigned incumbent of this relief position.

The Carrier issued the following notice concerning the change in rest days:

**"T E L E G R A M**

Tyler, Texas -- August 12, 1957

438 - Commerce

- Sulphur Spring

CLT . . . WFM . . . W A Stephenson . . . W J Cox . . . B F Ross . . .  
W J Wright . . . Sara Smith - Commerce . . . C Black . . . J B Elliott  
W A McDowell . . . L D Altenbaumer - Sulphur Springs

Effective with close of business August 15, 1957, position of Cashier, Commerce, Texas, assigned to W. A. Stephenson, is hereby

Cox and Ross. The claims relate to the same occurrence, and a complete picture cannot be presented in one of them without giving the facts regarding the others.

To prevent unnecessary repetition, Carrier's submission in the claim of Telegrapher J. W. Cox is made a part hereof and a copy is attached hereto.

**POSITION OF CARRIER:** The Carrier's position is as set forth in the companion claim of Telegrapher J. W. Cox.

As pointed out therein, proper notice was given August 12, changing the assignment of Mrs. Smith effective August 16, 1957. Effective at that time the rest days of Mrs. Smith became Thursday and Friday, and she was not entitled to work on Friday, August 16, which was one of her assigned rest days. The work claimed on that day was assigned to and was performed by Cashier-Telegrapher Cox.

The claim is not supported by the rules, as pointed out in the claim of Telegrapher J. W. Cox, and the Carrier respectfully submits that the claim should be denied.

All data herein has been submitted to representatives of the Employees.

(Exhibits not reproduced.)

**OPINION OF BOARD:** The issue here is identical with that disposed of in Awards 10517 and 10875, involving these same parties. Those awards being controlling, the claim will be sustained.

**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 16th day of December 1963.