

Award No. 11992

Docket No. TE-10694

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard J. Seff, 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 that:

1. Carrier violated the Agreement between the parties when in changing rest days it required Billie G. Ross to work on August 17 and 18, 1957, 6th and 7th days of her work week, in excess of five days or forty hours, at the straight time rate, and to suspend work during her regular hours on August 19 and 20, 1957, work days of her work week.

2. Carrier shall compensate Billie G. Ross in the amount of the difference between eight hours at straight time and eight hours at time and one-half on two days, August 17 and 18, 1957, and two days' pay (8 hours each) at the pro rata rate on August 19 and 20, 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 the second shift Clerk-Telegrapher. Billie G. Ross was the regularly assigned incumbent of this 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 Springs

**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**

position in one relief assignment instead of two, and to permit having the regular Cashier-Telegrapher on duty Monday through Friday when most of the cashier duties are required. This made it necessary to rearrange the assignments of the second and third trick Clerk-Telegraphers and of the Relief Telegraphers. Notice covering this change was issued August 12, 1957, which specified that the change would be effective August 16, 1957.

This changed the rest days of Mrs. Ross from Saturday and Sunday to Monday and Tuesday, effective August 16, 1957.

Claim was filed in favor of Mrs. Ross for 1½ rate instead of straight time rate Saturday and Sunday, August 17 and 18, 1957, on the basis that she was working on assigned rest days; and for 8 hours at pro rata rate Monday, August 19 and Tuesday, August 20, 1957, on the basis that she was required to suspend work on assigned work days.

Claim was denied.

Carrier's submission in the claim of Telegrapher J. W. Cox shows details of the change, including notice given, and correspondence exchanged in connection with the claim of Mrs. Ross as well as the claim of Telegrapher Cox and Relief Telegrapher Smith. 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. Ross effective August 16, 1957. Effective at that time the rest days of Mrs. Ross became Monday and Tuesday, and she was not entitled to the time and one-half rate for work performed on Saturday and Sunday, August 17 and 18. Likewise she was not entitled to pay on Monday and Tuesday, August 19 and 20, which she did not work as they were her assigned rest days.

The claim is not supported by the rules, as pointed out in the claim of Telegrapher J. W. Cox, and 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 issues here are identical to those discussed and disposed of in Award 11991. For the reasons there stated the claims here 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 Employes involved in this dispute are respectively Carrier and Employes 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.