

Award No. 13711
Docket No. CL-14431

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-5460) that:

(1) Carrier violated the Schedule for Freight Handlers effective May 1, 1953, when it failed to compensate Freight Handlers L. Risper, G. Gosey, F. Elliott, F. Jordan, J. Dean, A. L. Halley, F. C. Glaeser and W. White, at the rate of time and one-half for services rendered on August 13 and 14, 1962, their sixth and seventh days of their work week, and

(2) Freight Handler L. Glover for August 13, 1962, for service rendered on the sixth day of his work week.

(3) Carrier shall now compensate the above mentioned employes the difference between the pro rata rate they were paid and time and one-half they should have been paid for service rendered on dates of claim."

EMPLOYES' STATEMENT OF FACTS: Claimants bid in and were assigned to position of Freight Handler at the East St. Louis Freight Platform at East St. Louis, Illinois, on the St. Louis Terminal Division, hours of assignment 3:00 A. M. to 12:00 noon with one (1) hour for lunch, Wednesday through Sunday, Monday and Tuesday rest days.

On Thursday, August 9, 1962, they were notified that effective Sunday, August 12, 1962, their rest days would be changed from Monday and Tuesday to Wednesday and Thursday.

The change in rest days resulted in Claimants working seven (7) consecutive days starting with Wednesday, August 8 and continuing through Tuesday, August 14, 1962, except in the case of Claimant Glover, who is only involved in the sixth day or August 13, 1962.

Correspondence exchanged with Carrier in the regular order of appeal is attached hereto and made a part of the claim as Employees' Exhibits Nos. 1 to 7.

(Exhibits not reproduced).

OPINION OF BOARD: Carrier exercised a contractual right to change the work week of Claimants. In effectuating the change Claimants worked seven consecutive days. The issue is whether Claimants should have been paid the overtime rate of pay for the sixth and seventh of the consecutive days.

The issue has been decided by numerous Awards of this Board. See, for example, Award No. 12911 wherein we stated:

" . . . this Board has repeatedly held that an employe cannot be required to work more than five consecutive days or forty hours without overtime compensation. See, for example, Awards 9962 and 11549."

We will sustain the claim.

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 Carrier violated the Agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1965.