

NATIONAL RAILROAD ADJUSTMENT BOARD  
Third Division

**PARTIES TO DISPUTE:**

THE ORDER OF RAILWAY TELEGRAPHERS  
MISSOURI PACIFIC LINES IN TEXAS AND LOUISIANA

**DISPUTE.**—Claim of employees that Relay Telegrapher G. A. Small be paid for the day of eight hours he was not permitted to work on Sunday, April 22, 1934.

**FINDINGS.**—The Third division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employees involved in this dispute are, respectively, carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute waived right of appearance at hearing thereon.

In the Houston, Texas, relay telegraph office of the carrier there were six telegraphers regularly assigned on week days, each of whom, under the accepted practice, were entitled to rotate upon such Sunday tricks as the carrier may have decided to employ according to requirements of the Sunday service as anticipated by the office manager on Saturday preceding in each week.

Telegrapher Small held one of the six regular week-day assignments commencing 8:30 A. M. but prior thereto on Saturday, April 21, 1934, requested and was granted indefinite relief account illness.

According to the rotation practice for Sunday service telegrapher Small was due to commence work at 8:30 A. M. on Sunday, April 22, 1934, and he notified the office Assistant Manager at 6:00 P. M. on Saturday, April 21st that he would be available for Sunday service. He did not, however, report for duty until 8:50 A. M. on Sunday and was not allowed to go to work displacing another telegrapher who had been given the Sunday work in his stead.

The carrier held that telegrapher Small was not entitled to work on Sunday April 22nd, because of his noncompliance with a certain office regulation, posted November 20, 1931, to wit:

"Hereafter, except in cases of emergency, operators desiring to lay off will so advise the Manager of the office in time for him to arrange for relief before he goes off duty. He should also be advised the day before you are ready to resume duty."

but it is found that there was a reasonable compliance therewith since telegrapher Small gave notice of his availability the day before ready to resume duty and in time which it is considered reasonable for the carrier to have made necessary arrangements.

**AWARD**

Claim of employees is sustained.

By Order of Third Division:  
Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,  
Secretary.

Dated at Chicago, Illinois, this 4th day of January 1935.