

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

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

DISPUTE.—The dispute involves the question of what constitutes a Sunday assignment on positions with particular reference to the guarantee rule XV-b.

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

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.

A night telegraph position at Port Barre was established in February 1934, with assigned hours 11:00 P. M. to 7:00 A. M. On the night of Saturday, February 17, 1934, extra telegrapher R. P. Lennon worked the position beginning at 11:00 P. M. and concluding at 7:00 A. M. on Sunday, the following day, and made claim for eight hours at pro rata rate for the seven hours' service he performed on Sunday from 12:00 midnight to 7:00 A. M.

The night telegraph position at Port Barre, when established, was assigned hours 11:00 P. M. to 7:00 A. M. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday nights. The position was closed on Sunday nights. Seven hours of the service of the tour of duty beginning at 11:00 P. M. on Saturday night was performed during Sunday, the following day.

The assignment hereinabove described was made under the provisions of agreement between the parties, more specifically Article XIII Section (e) as follows:

"Regular assignments shall have a regular fixed starting time and the regular starting time shall not be changed without at least thirty-six (36) hours' notice to the employe affected.

"Where three (3) consecutive shifts are worked covering the twenty-four (24) hour period, no shift shall have starting time after twelve (12) o'clock midnight and before six (6) A. M.

"Where three (3) continuous shifts are employed, assignment will be for eight (8) consecutive hours with no allowance for meal. Starting time of the first shift will be between the hours of 6:00 A. M. and 8:00 A. M. At stations where but one shift is employed, the regular starting time shall be between 6:30 and 9:00 A. M. or P. M. At two-shift offices, the hours of the Agent-telegrapher shall close not later than seven (7:00) P. M."

Claim of employees is presented under Rule XV (b) of said agreement, to wit:

"For each week day, exclusive of Sundays and Holidays, regular employees shall receive not less than eight (8) hours' pay at regular straight hourly rate applicable to the position to which they are regularly assigned." and in support of claim, employees cite and rely upon a certain decision by the "Telegraphers' Board of Adjustment—N. Y., N. H. & H. R. R. System", reading:

"Shifts starting 11 P. M. or later, Saturday nights, (10 P. M. during daylight saving) will be considered as Sunday assignments insofar as Article 4 is concerned."

The Decision next above quoted has no application to agreement between the parties to this dispute.

AWARD

A shift commencing at 11:00 P. M. on Saturday ending at 7:00 A. M. on Sunday is a Saturday assignment.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago Illinois, this 18th day of February 1935.