

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Dozier A. DeVane, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
MICHIGAN CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: "(a) Claim for termination of share-the-work practices and restoration of the regular schedule of employment of six days' work per week for all Signal Department employees affected.

"(b) Claim of employees affected for compensation for the difference between the regular six day work week and the reduced work week due to the refusal of the management to terminate share-the-work practices and restore the employees to their regular six day work week in accordance with the request of the General Chairman as of September 1, 1937."

STATEMENT OF FACTS: The statement of facts and position of the parties in this dispute are substantially identical to the facts and position as set forth by the parties in Docket SG-794, Award No. 854 the exception being that the Management in this dispute contends the Signal Department employees on the Michigan Central R. R. east of the Detroit River and working on that portion of the railroad in Canada are not subject to the provisions of the Railway Labor Act as amended June 21, 1934; therefore, that this Board is without jurisdiction to render an award which will apply to this Carrier's Signal Department employees in Canada. The Employees contend that the current agreement governing wages and working conditions of Signal Department employees on the Michigan Central R. R. applies with equal force to this class of employees working east of the Detroit River in Canada and that an award of this Board should be applied to those employees in the same manner and with the same effect as would be applicable to this class of employees on the Michigan Central R. R. in the United States.

The Board has, therefore, deemed it unnecessary to quote the statements and positions of the parties in this case.

There is in existence an agreement between the parties bearing effective date of February 1, 1923.

OPINION OF BOARD: This case is similar to that involved in Award 854, Docket SG-794, except as noted in the Statement of Facts, and the conclusions and opinion set forth there are applicable in this case.

The carrier raised the question of authority of this Board to issue an award, the provisions of which would be legally enforceable for the employees east of the Detroit River in Canada. The legal question was not argued however and for this reason the Board declines to pass upon it and will consider

that the claim for employees located in Canada has been withdrawn. The parties are in accord that the agreement governing wages and working conditions, effective Feb. 1st, 1923, does apply to the Signal Department employees in Canada east of the Detroit River in the same manner and with the same force as it applies to this class of employees on the Michigan Central R. R. who are employed in the United States west of the Detroit River. Therefore it is assumed that the parties will each respect and abide by the terms of the contract in Canada as well as in the United States.

The general claim made in behalf of the employees for the restoration of the former schedule of employment of six days' work per week for all regularly assigned signal department employees will be dismissed without prejudice as to those employees holding regular assignments on positions worked less than six days per week. The claim of employees holding assignments to positions worked six days or more per week will be sustained.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

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 claim (a) should be dismissed without prejudice as to employees holding regular assignments on positions worked less than six days per week and sustained as to employees holding assignments to positions worked six days or more per week; and claim (b) should be sustained to the extent indicated in the opinion.

AWARD

Claim (a) dismissed without prejudice as to employees holding regular assignments on positions worked less than six days per week and sustained as to employees holding assignments to positions worked six days or more per week; claim (b) sustained to the extent indicated by the opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 8th day of June, 1939.