

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Dozier A. DeVane, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
INDIANA HARBOR BELT 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, except in the following respects:

- 1—The first and existing agreement between the parties became effective Oct. 26, 1935;
- 2—During the negotiation of the agreement in 1935, the employees proposed a rule which provided for a guarantee of not less than six days' work per week which was not acceptable to the Carrier and was not adopted.

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

There is in existence an agreement between the parties bearing effective date of October 26th, 1935.

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

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.