

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Michael J. Stack, Jr., Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Railway, that:

1. Carrier violated the Telegraphers' Agreement when it required W. H. Butler, regular assigned relief Clerk-Telegrapher, to suspend work during the regular hours on his assigned position, Princeton, Indiana, February 3, 4, and 5, 1957, and work the third shift position, Princeton Indiana.

2. Carrier shall compensate W. H. Butler the difference between the pro rata rate he was paid and the time and one-half rate of pay to which he was entitled, February 3, 4, and 5, 1957, when he was required to work the third shift position outside his regular assigned hours at Princeton, Indiana.

EMPLOYEES' STATEMENT OF FACTS: Claimant W. H. Butler is the regular assigned rest day relief clerk-telegrapher at Princeton, Indiana. His relief assignment with assigned hours is programmed as follows:

First shift	Sunday	8:00 A. M. to 4:00 P. M.
Second shift	Monday and Tuesday	4:00 P. M. to 12:00 M. N.
Third shift	Wednesday and Thursday	12:00 M. N. to 8:00 A. M.
Rest days	Friday and Saturday.	

Mr. R. M. Flaherty is the regular assigned third shift clerk-telegrapher at Princeton, Indiana. His assigned work week begins on Friday with rest days of Wednesday and Thursday. His assigned hours are 12:00 midnight to 8:00 A. M.

On Sunday, February 3, Monday, February 4, and Tuesday, February 5, 1957, clerk-telegrapher Flaherty was off, due to illness. Claimant Butler was removed from his position as relief clerk-telegrapher and required to work the third shift clerk-telegrapher position at Princeton, Indiana. On each date

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-10302, Award No. 11970. We adopt the opinion therein as determinative of the issues in this case.

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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of December 1963.