

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23512  
Docket Number SG-23459

George S. Roukis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company:

(a) Carrier violated the current Signalmen's Agreement, as amended, particularly Rule 45, portion relating to payment for service on rest days.

(b) Carrier should now be required to compensate Messrs. Taylor (11 hours), Smith (13 hours), Rows (12 hours) and Green (11 hours), at their respective time and one half rate of pay for services performed on Friday, February 9, 1979."

(General Chairman's file: 14-F. R. Taylor - R. O. Rows - V. T. Smith - J. O. Green. Carrier file: 15-45 (79-7) J)

OPINION OF BOARD: In Third Division Award 23339 involving the same parties and the same adjudicatory issue, we held that Carrier was required to consider Friday as a rest day, when covered employees fulfilled their normal 40 hours work week assignment by working four 10 hour days. This obligation was predicated upon its acquiescence to the 1970 Agreement. We also noted that the same Agreement was applicable to signal foremen, when they worked an identical schedule. To underscore this point we stated in pertinent part that:

"However, we do find, upon all the evidence presented, that when the parties agreed to the four day 10 hour per day work arrangement here outlined, it was intended by them that Friday, like Saturday and Sunday, be considered a day of rest, not only for the signal gangs, but also for the signal foremen. By operation of the Agreement, therefore, Carrier was obligated by pay the Claimants overtime as provided in Rule 16(d)."

In the instant case, Claimants observed Friday, Saturday and Sunday as rest days and so were entitled to be paid the overtime rate, consistent with Rule 16(d) when they worked on Friday, February 9, 1979 because of storm damage to Carrier's equipment. The arguments raised by Carrier that Rule 45, Paragraph C provides that only Saturday and Sunday are rest days and that there is no language stipulating that Friday is a rest day for signal foreman are unpersuasive. We will sustain the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

