

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Seaboard System Railroad (former L&N Railroad)

STATEMENT
OF
CLAIM:

"1. Carrier violated Rule 28(1) when rest days of Extra Gang 5590 were changed without proper written notification as alluded by the Carrier."

"2. Claimants named therein will now be compensated 10 hours each at overtime for April 27, 28 and 29, 1984 and 10 hours at straight-time for May 1, 2 and 3, 1984."

FINDINGS:

Claimants are members of Extra Gang 5990. They regularly worked four ten-hour days, Monday through Thursday with Friday through Sunday as rest days. For operational reasons, Assistant Division Engineer Brooks asked each member of the gang on April 23, 1984 if he would be willing to change rest days to Tuesday, Wednesday and Thursday. The entire gang agreed to the change and it was confirmed by letter dated April 23, 1984 and delivered on April 30, 1984.

Each claimant was paid at straight time for

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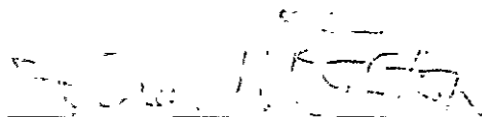
working Friday, Saturday and Sunday, April 27, 28 and 29, 1984 and, after working Monday, April 30, they observed the next three days as their rest days.

Under Rule 28(1), regular assigned rest day may be changed "after three days advance notice made by the management to the employees concerned..."

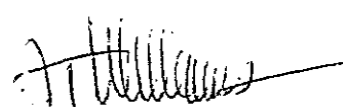
So far as the record shows, that requirement was duly observed in changing the rest days. All employees affected were clearly notified of the change at least three days before it was made. The Rule does not require that the three days advance notice be in writing.

AWARD: Claim denied.


Adopted at Jacksonville, Florida, Dec 19, 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member