

Award No. 1049
Docket No. 973
2-SP(Tex&La)-CM-'45

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 162, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA
(TEXAS AND NEW ORLEANS RAILROAD COMPANY)**

DISPUTE: CLAIM OF EMPLOYEES: That under the controlling agreement, the carrier be ordered to additionally compensate Coach Cleaner Andrew Bibbs at the differential rate of 5 cents per hour as a lead coach cleaner, for all services performed effective March 1, 1943 to June 1, 1943.

EMPLOYEES' STATEMENT OF FACTS: At San Antonio, Texas, the carrier maintains a force of coach cleaners. The claimant, Andrew Bibbs, and nineteen other coach cleaners were regularly employed from 8:00 A. M. to 5:00 P. M., seven (7) days per week within the period of March 1, 1943, to June 1, 1943.

From some time prior to March 1, to June 1, 1943, Coach Cleaner Andrew Bibbs was assigned and regularly recognized by the general car foreman and by these coach cleaners as a lead coach cleaner, i. e., he worked with, took the lead and directed the work of other members of a gang in his craft and on his class of work.

In March, 1943, claim was made that Coach Cleaner Bibbs was entitled to be paid for his service as a lead man the differential rate of five cents per hour, and this claim has been declined by the carrier. However, the carrier acted to annul the claim of Claimant Bibbs continuing beyond May 31, by posting bulletin No. 52-43, which reads:

NOTICE OF VACANCY OR NEW JOB

Bulletin No. 52-43 Date San Antonio May 26, 1943

The following is open for bid:

Job Lead Co Cleaner Location San Antonio Coach Track
Assigned hours 8:00 A. M. to 5:00 P. M. Assigned days Seven days
per week.

Remarks: 1 hour for lunch

Bids will be received in this office up to 12:00 Noon May 31, 1943.

Bulletin Board Repair Track
Bulletin Board Passenger STD
Messrs P. E. Leonard
Mark Stark

/s/ M. L. Turbeville
Title Div. Car Foreman

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute waived right of appearance at hearing thereon.

It is apparent from the record that Andrew Bibbs was performing work recognized as a lead-workman. The carrier later recognized the application of the rule as applied to coach cleaners by bulletining this position which warrants an affirmative award.

AWARD

Claim of the employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 23rd day of January, 1945.