

**Award No. 1202**

**Docket No. 1117**

**2-SP (Tex & La)-CM-'47**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

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**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:**

1. That the reclassification of Oscar Figaro, Elex Miles, John Andrus, Willie Singleton, P. Mouton, C. Rubin, W. Hubert, E. Arceneaux, C. Polk, W. Martin, Sr., Emiel Alexander, William Williams, Oneal Polk, Albert Sam and Joseph Cooper from coach cleaners to that of laborers, and the payment to them of straight time for all Sunday and holiday service, including all services performed by them after eight hours on week days, effective on and since February 22, 1945, was improper under the current agreement.
2. That accordingly, the carrier be ordered to classify the afore-said employes as coach cleaners, and additionally compensate them at the time and one-half rate for all services which they have performed on Sundays and holidays, including time and one-half for all services which they have performed after eight hours on week days, retroactive to February 22, 1945.

**EMPLOYEES' STATEMENT OF FACTS:** At Lafayette, Louisiana, the carrier employed those named in Item 1 of the statement of claim, herein-after referred to as the claimants, as coach cleaners prior to February 22, 1945. These claimants were classified and paid as coach cleaners, including time and one-half for Sundays and holidays, and time and one-half for time worked after their eight-hour shift on week days. These claimants established and retained seniority as coach cleaners, which is affirmed by the seniority roster of coach cleaners, dated January 1, 1945, copy of which is submitted and identified as Exhibit A.

Four (4) of these claimants, namely; Oscar Figaro, Elex Miles, John Andrus and C. Rubin were employed on the 7:59 A.M. to 3:59 P.M. shift; one of these claimants, namely: Emiel Alexander, was employed on the 3:59 P.M. to 11:59 P.M. shift; and ten (10) of these claimants, namely: Willie Singleton, P. Mouton, W. Hubert, E. Arceneaux, C. Polk, W. Martin, Sr., Willie Williams, Oneal Polk, Albert Sam and Joseph Cooper, were employed on the 11:59 P.M. to 7:59 A.M. shift.

Joseph Cooper is a laborer in the roundhouse and does not work on passenger trains at all.

After change from coach cleaners to laborers, with their former seniority dates as laborers, and the demotion of John Andrus from carman helper to laborer, the list of those named, who remain as laborers at Lafayette, is as follows:

Name	Date as Laborer
Oscar Figaro .....	1900
Elex Miles .....	1902
John Andrus .....	6-10-1902
P. Mouton .....	8-14-1922
C. Rubin .....	9-17-1922
C. Polk .....	6-16-1943
Emiel Alexander .....	4-16-1932
Willie Williams .....	12-29-1941
Albert Sam .....	11-18-1943
Joseph Cooper .....	5-22-1944

It has been the traditional and accepted practice at Lafayette for employes promoted from laborer to coach cleaner to retain their date as laborer and return to the position of laborer with their former date when at any time they were cut off as coach cleaner. There is an agreement in effect for laborers promoted to helper to retain their seniority as laborer. There is no written agreement covering changes from laborer to coach cleaner, but the same accepted practice has always been followed at Lafayette, the same as changes from laborer (or coach cleaner) to helper. All of the employes affected when the coach cleaner positions were abolished at Lafayette in February, 1945, had seniority dates as laborer and were returned to the position of laborer. None was actually cut off from work as the result of the change.

The employes charge that this change was made to keep from paying the coach cleaners the time and one-half rate for Sundays and holidays to which they would have been entitled had they remained classified as coach cleaners. That contention is not correct and is categorically denied. The change was made because there was not any coach cleaning to be performed at Lafayette and the men carried as coach cleaners were performing wholly the duties of laborers and it was proper to place them back on laborer positions which had been their former status.

#### CONCLUSION:

The carrier has shown that coach cleaners' work is to clean the inside and outside of passenger cars and to perform related work, and that there is no coach cleaner work or related work to be performed at Lafayette, Louisiana. Employes formerly classed as coach cleaners had before that all served as laborers and when returned to laborer positions took their old seniority date as laborer. That some of these employes are used for a part of their time to ice and water cars on passenger trains passing through Lafayette and for the majority of their time around the repair track and premises of the mechanical department at Lafayette doing other laborers' work, and that to change these men back to coach cleaners and pay them as such to perform laborers' work would be making a new rule, setting up a classification of work for coach cleaners, which action is not a function of the National Railroad Adjustment Board, and would be imposing a burden upon the carrier not sustained by or supported by the agreement between the parties.

\* \* \* \*

Wherefore, premises considered, the carrier respectfully requests that the claim made in this case be in all things denied.

**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 were given due notice of hearing thereon.

The employes mentioned in this claim were employed at Lafayette for a number of years as coach cleaners. On February 16, 1945, the carrier reclassified these men as laborers and placed them on the laborers' seniority roster.

There is no requirement under the rules for the carrier to maintain coach cleaners at a point where their services are not required, but the reduction of such forces must be made in accordance with the rule, quoted in part as follows:

**Rule 24.** " \* \* \* \* If the force is to be reduced, four (4) days' notice will be given the employes affected before reduction is made, and list will be furnished the local committee. If the hours are to be reduced, forty-eight (48) hours' notice will be given employes affected. \* \* \* "

The record is not entirely clear as to how this reduction was made, carrier stating that on February 16th due notice was given that all coach cleaners' jobs at Lafayette were abolished and all these men were returned to positions as laborers and confined exclusively to laborers' work.

The employes state that the men affected were called into the master mechanic's office and were told that their jobs as coach cleaners were abolished. This does not comply with the provisions of Rule 24 in reduction of forces.

Under the circumstances outlined in this case position of the employes must be sustained.

#### 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 3rd day of June, 1947.