

Award No. 1521
Docket No. MC-1388-69
2-Penn.-I-'52

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

THE UNITED RAILROAD WORKERS OF AMERICA, C.I.O.

THE PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: Claims of Cleora McBride, Harriet Jackson, Elizabeth Stegler, Virginia Singleton, Eldora Miller, Emma Moon, Nancy Cherry, Frances Rhines, Mabel Williams, Mary Johnson, Marie Smith, Martha Gaffeney, Mildred Dixon, Nora Prideauz, Adele Hayes, Eugene Nutt, C. Briggs, John Duda, Bertha Cobbs, Nora Washington, Beula Watson, Pearl Simons, F. R. Mayfield, Estelle Hentze, Hazel White, Eassiler Garry, Pauline Manson, Ella MacDavis, Edna Truesdale, M. Richard, Marie Denicola, D. M. Bynum, Violet Yohey, Ocie Springer, N. W. Murray, Kitty Esmenger, J. Busko, John Cullen, Louis Harden, J. Caruso, Attilio Phillips, C. L. Wilson, Alex Edwards, J. Sciortino, Henry Roberts, Alexander Reid, J. Behunea, Elizabeth Stover, to be compensated for eight (8) hours at their hourly rate of pay for June 18, 19, 25, 26 and July 2, 4, 9 and 10, 1949.

Also claims filed for other employes, involving similar circumstances, which are indicated on attached sheets and made part of this submission.

EMPLOYEES' STATEMENT OF FACTS: On Tuesday, June 14, 1949, the following notice was posted in Sunnyside Yard, L. I., N. Y.:

**"TO—CARMEN, PAINTERS, SHEET METAL WORKERS,
ELECTRICIANS, COACH CLEANERS AND LABORERS**

**UNTIL FURTHER NOTICE, THE WORKING HOURS OF
EXTRAORDINARY CLEANING FORCES AND ALL MECHANICAL
FORCES ASSIGNED TO FOUR-A-DAY DINING CAR PROGRAM
ARE REDUCED TO 40 HOURS PER WEEK, MONDAY
THRU FRIDAY INCLUSIVE, IN ACCORDANCE WITH THE PRO-
VISIONS OF RULE 3-D-1 OF THE APPLICABLE SCHEDULE
AGREEMENTS.**

**E. F. FELSBURG
GENERAL FOREMAN."**

On Wednesday, June 21, 1949, a second notice was posted in Sunnyside Yard, L. I., N. Y., reading as follows:

**"TO—CABINET MAKERS, PIPEFITTERS, AND PIPEFITTER
HELPERS**

**EFFECTIVE WITH THIS NOTICE, THE WORKING HOURS
OF CABINET MAKERS, PIPEFITTERS, AND PIPEFITTER**

under the agreement or otherwise any basis exists whereunder the claimants are entitled to the compensation which they claim.

III. Under the Railway Labor Act, the National Railroad Adjustment Board, Second Division, is Required To Give Effect to the Said Agreements and to Decide the Present Dispute in Accordance Therewith.

It is respectfully submitted that the National Railroad Adjustment Board, Second Division, is required by the Railway Labor Act to give effect to the said agreements, which constitute the applicable agreements between the parties, and to decide the present dispute in accordance therewith.

Therefore, the carrier respectfully submits that your Honorable Board should dismiss the claim of the employees in this matter.

The carrier demands strict proof by competent evidence of all facts relied upon by the claimants, with the right to test the same by cross examination, the right to produce competent evidence in its own behalf at a proper trial of this matter, and the establishment of a record of all of the same.

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 issue to be determined in this case is whether or not the "Four-A-Day Dining Car Program" is a "sub-department."

The controlling agreement does not define a "sub-department." The only evidence before this Division on this phase is the contention of the carrier that the "Four-A-Day Program" is a "sub-department" which contention is denied by the petitioner. The evidence of record on this point is not sufficient for this Division to render an award and the claim is therefore remanded to the parties for their further consideration.

AWARD

Claim remanded per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February, 1952.