

Award No. 3891

Docket No. 3732

2-PULL-CM-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carroll R. Daugherty when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O.
(Carmen)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

- (1) That on January 1, 1959, the Carrier violated and has continued to violate the controlling agreement each day thereafter by assigning other than car cleaners to clean Pullman cars at Augusta, Georgia.
- (2) That accordingly, the carrier be ordered to compensate furloughed car cleaner Willie Baxter for eight (8) hours at the applicable rate of pay for each day that other than car cleaners have been assigned to work beginning January 1, 1959, until said violation is corrected.

EMPLOYEES' STATEMENT OF FACTS: Car Cleaner Willie Baxter, hereinafter referred to as the claimant, was employed by the Pullman Company, hereinafter referred to as the carrier, at Augusta, Georgia, as a car cleaner with a seniority date of March 19, 1930, which is confirmed by copy of seniority roster for the year 1958.

The Southern Railway and Atlantic Coast Line Railroad handle one Pullman car each between New York, New York and Augusta, Georgia. These trains arrive in Augusta at 9:10 and 9:55 A. M. daily.

Claimant was regularly assigned to clean the inside of these two cars daily, working an assignment of six (6) hours each day, seven days per week, with time and one half for Sunday.

These two Pullman cars are twelve (12) roomettes, six (6) bedrooms cars with wash and toilet facilities to be cleaned in each.

Effective December 31, 1958, the carrier closed its Augusta, Georgia office and assigned the cleaning work that had been performed by the claimant to Pullman porters.

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.

Parties to said dispute were given due notice of hearing thereon.

Carrier, having closed its Augusta, Georgia Agency, furloughed claimant, who had been working as car cleaner at said yard or station, and assigned a portion of his former duties to Pullman porters. Just what portion is not revealed by the record, but carrier distinguishes "porter cleaning", such as is done when trains are en route or at locations where no regular car cleaners are employed, from "comprehensive cleaning", such as is done where car cleaners are used.

The issue here is not whether carrier had the right to abolish the Augusta Agency and the jobs there as such but whether, having abolished claimant's position in so doing, the carrier had the right under Rule 89 to assign a significant fraction of his previous work to employes other than car cleaners.

Said Rule states that a car cleaner's work consists of "cleaning, acid scrubbing and washing of cars in yards and stations." These words may not be held to mean that such an employe must perform all the duties mentioned at all times. The Division finds rather that to whatever extent these duties are or have been performed at a yard or station where car cleaners are or have been employed, they belong to car cleaners and not to other classes of employes.

Obviously this finding does not imply that porters may not porter-clean cars while their trains are en route or when their trains reach yards or stations where no car cleaners are or have been employed. The finding does say that whatever amount of car cleaning carrier decided was to be done on claim dates at Augusta or carrier will in the future decide should be performed there was and will be the work of a car cleaner like claimant if available.

Accordingly, the Division holds that the instant claim is to be sustained for the period beginning February 3, 1959, and for six hours of pay for each day in said period on which employes other than claimant performed car cleaning at Augusta, Georgia.

AWARD

Claim sustained 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 December, 1961.