

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)
ILLINOIS CENTRAL SYSTEM

DISPUTE: CLAIM OF EMPLOYEES.—Request that the starting times of the three shifts of car oilers at Stuyvesant Docks, New Orleans, be made the same as the starting times of the three shifts of car inspectors.

JOINT STATEMENT OF FACTS.—The starting times of the car oilers and car inspectors at Stuyvesant Docks, New Orleans, are as follows:

	Car oilers	Car inspectors
First shift.....	9:00 A. M.....	7:00 A. M.
Second shift.....	5:00 P. M.....	3:00 P. M.
Third shift.....	1:00 A. M.....	11:00 P. M.

The employees base their request upon Rule 2 of the schedule agreement effective April 1, 1935, which was declined by the carrier on basis that the present starting times of the car oilers should be maintained to meet the requirements of the service, and that Rule 2 of the schedule agreement is not being violated. The rule reads as follows:

"SHIFTS

"Rule 2. There may be one, two or three shifts employed. The starting time of any shift shall be arranged by agreement between the local officers and employes' committee based on actual service requirements.

"The time and length of the lunch period shall be subject to agreement, within the limits of the fifth hour, except where three shifts are employed, when the lunch period shall be twenty minutes without loss of time."

POSITION OF EMPLOYEES.—It has been the established practice at Stuyvesant Docks train yard, to have the same starting time for the car inspectors and car oilers as follows: 7:00 A. M., 3:00 P. M., and 11:00 P. M., with an additional car oiler working from 8:00 P. M. to 4:00 A. M. Upon the presentation of a grievance from the local committee, that the 8:00 P. M. to 4:00 A. M., car oiler was splitting the shift, this car oiler was then assigned to the 3:00 P. M. to the 11:00 P. M. shift. It was then found that the car oiler on the 11:00 P. M. to 7:00 A. M. shift could not handle the work in the rush period and to keep from hiring additional help on this shift, the starting time for the car oilers was changed as shown by exhibit A. It is the contention of the employes that with the change of the starting times of the car oilers the management is violating Rule 2, of the Agreement, by establishing six shifts at Stuyvesant Docks Train Yard, wherein Rule 2, of the current Agreement permits only three shifts.

POSITION OF CARRIER.—Below is shown the number of car oilers employed on each shift at Stuyvesant Docks, New Orleans, and the starting times of each shift, both prior and subsequent to July 25, 1935:

	Number of car oilers employed on each shift	Starting times prior to July 25, 1935	Starting times sub- sequent to July 25, 1935
First shift.....	1	7:00 A. M.....	9:00 A. M.
Second shift.....	2	3:00 P. M.....	5:00 P. M.
Third shift.....	1	11:00 P. M.....	1:00 A. M.

Commencing about July 25, 1935, it became necessary to run practically all of our banana trains out of New Orleans between the hours of 5:00 P. M. and 12:00 midnight, and practically all of our other fast freight trains between 11:00 P. M. and 1:00 A. M., to meet the demands of the traffic. Two car oilers instead of one were employed on the second shift for the express purpose of giving special attention to cars operated on these fast freight trains, in order to reduce the number of hot boxes and consequent delays to the traffic. With the change in leaving time of these trains, it was necessary to change the starting times of the car oilers in order to have two car oilers on duty all of the time between 5:00 P. M. and 1:00 A. M.

Prior to making any change in the starting time of the car oilers, the local general foreman called in the local committee of the Carmen, and explained the situation in detail, and made an earnest effort to arrange the starting times by mutual agreement, but, unfortunately, the local chairman of the committee took an arbitrary stand in the matter, and positively refused to agree to make any change in the starting times. He also refused to offer any explanation of his attitude, other than to infer that the making of such change was not fair. As stated before, in order to meet the requirements of the service, it was essential that we have two car oilers on duty between 5:00 P. M. and 1:00 A. M., and since it was impossible to prevail upon the local chairman to co-operate in mutually agreeing upon the starting times of these employees, the local officers in charge felt compelled to make the change.

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 employees 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.

Rule 2 of the current agreement provides that:

"The starting time of any shift shall be arranged by agreement between the local officers and the employees' committee based on actual service requirements."

The changing of the car oilers' starting time was made without agreement which was in violation of the rule.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 4th day of May, 1936.