

Award No. 961

Docket No. 896

2-IC-CM-'43

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

(1) That in violation of the current agreement, the carrier discriminated against and unjustly dismissed from service Local Chairman Otto Wantland on January 27, 1943.

(2) That the carrier be ordered to reinstate Local Chairman Otto Wantland to his former position and reimburse him for all time lost.

JOINT STATEMENT OF FACTS: Local Chairman Otto Wantland was employed in the Weldon coach yard at Chicago, Illinois on the 7:00 A. M. to 3:00 P. M. shift and his seniority date on the carmen's seniority roster was February 5, 1929.

Mr. Wantland has been the local chairman of the grievance committee for several years and has from time to time, represented other employees concerning the agreement between the carrier and the Brotherhood of Railway Car-men of America.

On January 19, 1943, Local Chairman Wantland was suspended from service pending an investigation on charge of intimidating other employees at Weldon yard, also interfering with safe operation of the railroad.

On January 27, 1943, at 8:00 A. M. an investigation was held and Local Chairman Wantland was dismissed from the service of the carrier and his name was removed from the seniority roster effective January 27, 1943.

POSITION OF EMPLOYES: That the dismissal of Mr. Wantland violated our Rule 41, which in pertinent part reads—

"The Company will not discriminate against any committeemen who from time to time are delegated to represent other employees . . ."

Mr. Wantland was delegated to represent other employees and in the performance of these duties it was necessary to represent the rules which were agreed to by the carrier and System Federation No. 99. To see that the men whom he represented and the carrier complied with these rules, cannot, in our opinion, be classed as an intimidation of the men or interfering with the safe operation of the railroad.

Date	Train	Delayed	Location	Reason
12-18	B4-444	60"	Chicago	Throw out East Billerica a/c broken train line.
12-18	IC 57	10"	"	Ruptured reg. diaphragm PRR coach 1022.
12-19	IC 1	12"	Champaign	Thaw out drains IC 4000.
12-20	IC 29	14"	Chicago	Frozen regulator IC 3973.
12-20	MC 16	16"	"	Steam conduit repairs NYC 189.
12-20	IC 3	10"	Kankakee	Hot box IC 2253.
12-21	IC Spl So. 1	13"	Mattoon	Steam connection broken REX 463.
12-24	B4-414	20"	Chicago	Repr. steam pipe NYC 8029.
12-25	IC 55	3"	"	End valve closed King Cotton.
12-25	IC 1	10"	"	Repair steam hose leaks IC 2203-2237.
12-27	IC 25	25"	"	Test air and change met. cond. IC 3977.
12-27	B4-418	05"	Kankakee	Fix steam leak IC 373.
12-28	MC 46	38"	Chicago	Repair steam trainline DL&W 2091.
12-30	IC 29	35"	Gilman	Hot box IC 2507.
12-31	IC 25	20"	Kankakee	Hot box IC 706.
1-1	MC 42	28"	Chicago	Steam trainline NYC 8577.
1-4	IC 29	7"	"	Steam leaks IC 632 and 364.
1-4	IC 1	5"	Harvey	Defective steam conduit lock IC 373.
1-7	B4-4	3"	Chicago	Broken brake rod NYC 52.
1-11	IC 11	2'20"	Dyersville	Hot box tourist car 2144.
1-12	IC 15	5"	Chicago	Jacking up IC 879; waste grab.
1-13	IC 1	15"	"	Thaw out IC 3851.
1-13	MC 44	8"	"	Repair steam NYC 5121.
1-13	IC 9	22"	"	Steam reg. frozen Lake Ferguson.
1-13	MC 16	20"	"	Thaw steam line NRC 156.
1-13	IC 25	20"	"	Broken steam line IC 6772.
1-13	IC 3	7"	Champaign	Repair brake rigging IC 2209.
1-14	IC 3	7"	Chicago	Replace brake rod IC 2209.
1-18	MC 44	9"	"	Steam end valve closed CP 1480.

Carmen days absent at Weldon Coach Yard:

December, 1942	214
January, 1943	192
February, 1943	134
March, 1943	121
April, 1943	117

Mr. Wantland insisted that carman assigned to regular jobs were not required to do steam work, notwithstanding additional force could not be secured. Many of these delays and potential accident hazards would not have occurred had he acted in a cooperative spirit. Moreover, he made efforts to prevent the upgrading and use of helpers at Weldon and insisted they be sent back to the point from which they were promoted.

Particular attention is directed to the man days absent during December, 1942 and January, 1943. During time prior to January 19, 1943, Mr. Wantland encouraged men not to work. As soon as his activities in this respect ceased there was an immediate improvement.

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 evidence of record does not disclose any adequate grounds for disturbing the disciplinary action of the management.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 25th day of October, 1943.