

Award No. 1682
Docket No. 1612
2-CSt.PM&O-EW-'53

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 75, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

**CHICAGO, SAINT PAUL, MINNEAPOLIS AND OMAHA
RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYES: 1. That the Carrier violated the current agreement, particularly Rule 14-T, when they failed to compensate the following Claimants and all others that may have been employed as Linemen and Groundmen for all wages accruing to them for traveling and waiting time, also, for expenses incurred for meals and lodging in covering their work week assignments, retroactive to February 1, 1952:

Linemen:	F. J. Wentworth	S. W. Burlingame
	L. I. Statts	A. R. Boelter
	V. H. Jinkerson	E. J. Redlich
	A. S. Marvin	E. L. Frost
	W. C. Simonson	

Groundmen: W. W. Carlson
W. M. Nelson

2. That accordingly the Carrier be ordered to compensate the aforesaid Claimants and all others that may have been employed as Linemen and Groundmen for all traveling and waiting time at the applicable rate of pay accruing to them and for expenses incurred for meals and lodging retroactive to February 1, 1952.

EMPLOYEES' STATEMENT OF FACTS: The above named linemen and groundmen, hereinafter referred to as the claimants, are employed in the telegraph and/or communication department of the carrier.

The carrier has failed to designate a "home station" for these claimants as provided for under the provisions of Rule 14-T.

The carrier has failed to compensate the claimants for traveling and waiting time and for expenses incurred for meals and lodging in covering their work week assignments.

The agreement effective June 1, 1929, as subsequently amended, is controlling.

employees are now dissatisfied with the type of cars as supplied by the carrier, the question involved is one for negotiation between the parties signatory to the agreement and is not one which would bring it within the powers of this board.

The carrier therefore respectfully requests that this claim be 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 claimants named in this case are gang linemen and groundmen used to perform road work and housed in camp cars, unequipped for cooking. Such cars have been used since the effective date of the current working agreement and the parties thereto have recognized such cars to be "home stations"; and under this mutual recognition the practice, as developed by documentary and oral evidence, is to the effect that in lieu of cooking facilities in such "home stations" the carrier has allowed meal expenses under certain conditions known to the parties save recently when such "home stations" were located at headquarters points of district linemen.

It is fair to say that the parties to the current working agreement have mutually recognized a past practice of applying the agreement rule involved when "home stations" are unequipped for cooking. Any change or deviation in this practice should be by notice and negotiation (unless "camp cars" be equipped for cooking) and it is apparent from the evidence developed that this was not done in excepting such "home stations" when located at headquarters points of district linemen.

We think the meal allowances of the claimants named in this case should be adjusted according to past practice known to the parties without regard to location of their "home stations".

That part of the claim for expenses for lodging and pay for waiting and traveling time is dismissed without prejudice due to lack of evidence that such expenses and pay were incurred by any of the men involved by being sent away from their "home stations" to do work which did not permit their daily return to their "home stations."

AWARD

Claim disposed of per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassamah
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of July, 1953.

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**INTERPRETATION NO. 1 TO AWARD NO. 1682
DOCKET NO. 1612**

NAME OF ORGANIZATION: System Federation No. 75, Railway Employees' Department, A. F. of L. (Electrical Workers).

NAME OF CARRIER: Chicago, Saint Paul, Minneapolis and Omaha Railway Company.

The disputants in Award No. 1682 have asked this Division of the National Railroad Adjustment Board to interpret this award, which this Division is empowered to do by virtue of Section 3 First (m) of the Railway Labor Act as amended June 21, 1934.

THE QUESTION FOR INTERPRETATION put by the disputant employees is:

"Do the findings in Award No. 1682 sustain the Claimant Linemen's and Groundmen's claim for expenses incurred for meals due them retroactive to February 1, 1952."

For the purpose of this interpretation, the dispute in Award No. 1682 is briefed as follows:

1. That the Carrier violated the current agreement, particularly Rule 14-T, when they failed to compensate the . . . Claimants . . . for expenses incurred for meals . . . retroactive to February 1, 1952.
2. That accordingly the Carrier be ordered to compensate the . . . Claimants . . . **for expenses** incurred for meals . . . retroactive to February 1, 1952.

The essential part of the findings of Award No. 1682 relating to the question posed for interpretation reads as follows:

"It is fair to say that the parties to the current working agreement have mutually recognized a past practice of applying the agreement rule involved when 'home stations' are unequipped for cooking. Any change or deviation in this practice should be by notice and negotiation (unless 'camp cars' be equipped for cooking) and it is apparent from the evidence developed that this was not done in excepting such 'home stations' when located at headquarters points of district linemen."

"We think the meal allowances of the claimants named in this case should be adjusted according to past practice known to the parties without regard to location of their 'home stations'."

If meal allowances have not been disposed of according to the findings in Award No. 1682, an adjustment on the basis of these findings should be

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made in claims of record subsequent to February 1, 1952 of claimants named in said Award, provided they returned to and actually used their "home stations" on the dates of claims of record.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 12th day of October, 1953.