

Award No. 2611
Docket No. 2440
2-PULL-CM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Curtis G. Shake when the award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYEES'
DEPARTMENT, AFL (Carmen)

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That under the current agreement The Pullman Company be ordered to additionally compensate Carman Painter H. L. Pettis in the amount of 6 hours due to having assigned on August 24th and 25th, 1955 an improper person to paint the trucks of two Pullman Cars at Atlanta, Georgia.

EMPLOYEES' STATEMENT OF FACTS: The Pullman Company, hereinafter called the carrier, maintained at Atlanta, Georgia, a seniority roster subdivision exclusively consisting of carmen painters and there were four of them employed and two on furlough at the time this dispute occurred.

The carrier, nevertheless, on August 24 and 25, 1955, elected to either stand by or authorize the trucks of pullman cars Luther Calvin Norris and Babbling Brook painted by R. F. Ling and C. W. Leming, employed by the Southern Railroad as carmen painters at Atlanta, which is confirmed by the submitted copies of letters dated at Atlanta, Georgia, November 9, 1955, addressed "To Whom It May Concern", signed by R. F. Ling, painter Southern R.R., and C. W. Leming, painter Southern R.R., respectively, identified as Exhibits A and A-1.

The painting of trucks on these aforesaid pullman cars was performed by the above named painters on car Luther Calvin Norris during the period of 10:15 A.M. to 11:45 A.M., Wednesday, August 24, and on car Babbling Brook during the period of 10:30 A.M. to 12:00 Noon, Thursday, August 25, 1955, which occurred within the regularly assigned hours of work and days of work of Carman Painter H. L. Pettis, hereinafter referred to as the claimant, whose assignment of days was from 8:00 A.M. to 4:30 P.M. Mondays through Fridays, with off days Saturday and Sunday.

right to paint trucks on sleeping cars in the Southern Yard, Atlanta, under the conditions here present. Also, the company has shown that at the time the current carmen's agreement was negotiated it was the practice in the Atlanta District for railroad employees to paint trucks, which practice grew out of a mutual understanding between The Pullman Company and the Southern Railroad. Finally, the company has shown that Second Division Award 1799 supports the company's position in this dispute.

The organization's claim should 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 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.

The carrier (Pullman Company) maintains a seniority roster at Atlanta consisting of four painters. On August 24 and 25, 1955, two of these painters were working and two were on furlough. During claimant's assigned hours on said dates the carrier either authorized or permitted the trucks of two Pullman cars to be painted by employees of the Southern Railroad. For this alleged infraction of the agreement the claimant demands that he be compensated for six hours.

Except as otherwise stated above, the facts of this case and the contentions of the parties are identical with those stated and considered in Docket 2439, Award 2610, and on the authority of that Award the claim will be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 11th day of September, 1957.