

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

HOTEL AND RESTAURANT EMPLOYEES' INTERNATIONAL ALLIANCE AND BARTENDERS' INTERNATIONAL LEAGUE OF AMERICA FOR AND ON BEHALF OF DINING CAR EMPLOYEES' UNION, LOCAL #351, OF CHICAGO, ILLINOIS

NEW YORK CENTRAL LINES

DISPUTE.—“The Hotel and Restaurant Employee's International Alliance and Bartenders' International League of America, a labor union, chartered and affiliated with the American Federation of Labor, its members being composed of chartered branch local unions throughout the United States of America for and on behalf of one of its chartered locals, namely, Dining Car Employees' Union, Local 351, of Chicago, Illinois, the latter being a labor union, having of its membership railroad employees assigned to dining-car service, and hereinafter referred to for brevity as Local 351, desires an award pursuant to the Railway Labor Act to the effect that the men removed from runs or demoted by reason of the changes of Home Terminals be restored to service with their original status intact, together with all compensation lost as a result of the removal.

“1. The following table gives the runs involved in the within controversy:

- “No. 43, Cleveland to Toledo.
- “No. 56, Toledo to Cleveland.
- “No. 4, Chicago to Buffalo.
- “No. 151, Buffalo to Chicago.
- “No. 44, Chicago to Buffalo.
- “No. 15, Buffalo to Chicago.
- “No. 8, Chicago to St. Thomas.
- “No. 5, Indianapolis to Chicago.
- “No. 47, Buffalo to Detroit.
- “No. 12, Chicago to Detroit.
- “No. 23, Detroit to Chicago.

“2. The character of employment of the runs involved includes Stewards, Cooks, and Waiters.

“3. The names of the men affected by the action of the carrier, insofar as time and convenience has permitted the compilation of names—the petitioner herein reserves the right to introduce a more complete list at the time of the hearing of the subject matter—is approximately as follows: Thomas Ryan (et al.)”

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employees involved in this dispute are respectively carrier and employees 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 complainant specifically states that the dispute hereon does not arise out of the violation of any written agreement.

The Carrier claims that the action complained of was in strict conformity with the provisions and administration of several classified agreements under the auspices of the then authorized and designated representative organizations, which agreements it is claimed are still in effect.

There appears no dispute on the manner in which seniority districts by “home terminals” are established, the complaint resting upon the changing of home terminals of runs without changing the “home terminal” of men.

There is shown a record of many changes in home terminals of runs covering a period of years, but there appear comparatively few instances in which men were allowed to follow the runs when home terminals were so changed.

All of the changes complained of except one took place prior to the date the complainant organization became the representative organization and were made with the concurrence of the then accepted representatives.

There is no rule covering the removal of men from service after ninety (90) continuous days' furlough, but such has been the undisputed practice for a number of years.

#### AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,  
*Secretary.*

Dated at Chicago, Illinois, this 16th day of May 1935.