

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS

THE PULLMAN COMPANY

DISPUTE.—“Claim of Kansas City Conductors F. E. Hildebrand, L. M. Kern, R. L. Johnston, W. B. Kelley, R. H. Pollack, E. L. Kempster, H. N. Bowers, F. S. Outman, H. L. Ferguson, G. E. Mohler, R. K. Johnson, W. I. Etnyre, M. J. Lockwood, E. A. Waggoner, that elimination of their names from the 1935 seniority roster is in violation of Rule 7 (d), Agreement between The Pullman Company and its Conductors. They ask that their names be restored to the roster that was posted this year.”

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 employees cite and base their claim on Rule 7 (d) and 8 of the Current Agreement between the Pullman Company and its Conductors, which read:

“RULE 7. (d) A roster showing seniority of all conductors in each district will be revised and posted in January of each year in a place accessible to those affected, and will be open to correction for 60 days. The names of conductors will be shown on the roster in accordance with seniority.”

“RULE 8. In reducing forces, seniority will prevail in selecting those to be retained in the service. When forces are increased, those who were laid off or furloughed will be returned to service in the order of their seniority, provided they have filed their names and addresses with the designated official for that purpose. Failure to report for duty within seven days from the date of notification will terminate this privilege unless an explanation satisfactory to the management is given.”

In accordance with a practice extending over a period of eleven years, in January 1935 the Carrier posted in its several districts where Pullman Conductors are employed, separate rosters showing the seniority rating of all Conductors at such points in active service, on leave or on furlough.

In February 1935 all of these rosters, including the one at Kansas City, were revised, and names of furloughed Conductors who had performed no service during the year 1934 were omitted. This action of the Carrier is contested by the employees as being contrary to the practice under the Rules covering a period of eleven years.

There is no showing that complainant employees failed to protect their seniority under the provisions of Rule 8, and the past practice of eleven years therefore entitled them to have their names retained upon the roster.

AWARD

Claim sustained.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,  
Secretary.

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