

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Lloyd K. Garrison, Referee

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS

THE PULLMAN COMPANY

DISPUTE.—

"Conductor J. R. Deckard, Philadelphia District, working extra during the second half of August 1932, was held for service as follows:

8 hours at Pittsburgh, August 20.

8 hours at Scranton, August 21.

7 hours 50 minutes at Atlantic City, August 28.

This time was not paid for. The Conductor claims 3 days' pay for these periods of service."

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

The carrier and the employee involved in this dispute are, respectively, carrier and employee 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 case being deadlocked, Lloyd K. Garrison was called in as Referee to sit with the Division as a member thereof.

There is in evidence the Pullman Company Rules Governing Working Conditions for Conductors, Effective December 16, 1923, and Mediation Agreement of March 1, 1928.

The services performed were as follows:

	Carrier paid	Credited	Employees claim pay for
Aug. 19, 1932. Left Phila. deadhead on pass 7:30 A. M.-----	1 day-----	8 hrs.-----	8 hrs.
Aug. 19, 1932. Arr. Tobyhanna 6:00 P. M.-----		13 hrs. 10 mins.---	
Aug. 19, 1932. Left Tobyhanna (special service) 6:00 P. M.---		8 hrs.-----	
Aug. 20, 1932. Arr. Pittsburgh 10:10 A. M.-----		8 hrs.-----	
Aug. 20, 1932. Held for service in Pittsburgh 10:10 A. M.----- 8:30 P. M.	2 days-----	9 hrs.-----	8 hrs.
Aug. 20. Left Pittsburgh (special service) 8:30 P. M.-----		8 hrs.-----	
Aug. 21. Arr. Scranton 9:30 A. M.-----	3 days-----	46 hrs. 10 mins.---	7 hrs. 50 mins.
Aug. 21. Held for service in Scranton 9:30 A. M.-9:00 P. M.---		2 hrs.-----	
Aug. 28. Left Phila. in line 2442, 6:45 A. M.-----	1 day-----	5 hrs. 5 mins.---	9 hrs. 20 mins.---
Aug. 28. Arr. Atlantic City 8:45 A. M.-----		24 hrs. 15 mins.---	
Aug. 28. Held for service, Atlantic City, 8:45 A. M.-4:35 P. M.	1 day-----	5 hrs. 5 mins.---	9 hrs. 20 mins.---
Aug. 28. Left Atlantic City in line 2455, 4:35 P. M.-----		9 hrs. 20 mins.---	
Aug. 28. Arr. Washington 9:40 P. M.-----	1 day-----	9 hrs. 20 mins.---	9 hrs. 20 mins.---
Aug. 28. Left Washington 9:40 P. M. deadhead on pass.---		9 hrs. 20 mins.---	
Aug. 29. Arr. Phila. 7:00 A. M.-----	2 1/2 days-----	24 hrs. 15 mins.---	

On the basis of the principles established in Docket PC-105, Award No. 259, of this Division, the claims for held for service time in Pittsburgh and Scranton should be allowed. It is clear that the allowance of two days for the two special service trips, Tobyhanna to Pittsburgh and Pittsburgh to Scranton, which consumed 22 hours and 10 minutes after making the sleep deduction, did not include any layover period either in Pittsburgh or in Scranton.

With respect to the held for service claim in Atlantic City, the situation is different. The conductor left Philadelphia for Atlantic City in line service and was paid half a day, although the trip consumed but two hours. He left Atlantic City in line service for Washington and was paid a full day although the trip consumed but five hours and five minutes. Thus for a little over seven hours on the road he was paid for the equivalent of twelve hours. It is evident, therefore, that a layover in Atlantic City was figured in, and though this layover was for seven hours and fifty minutes and may have been somewhat longer than the average or normal layovers of regular conductors, we are unable to determine that fact from the record or to say affirmatively that a day and a half's allowance was not a proper basis of compensation under Rule 3.

AWARD

The claim for payment is sustained to the extent of eight hours for August 20 and eight hours for August 21.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 9th day of May 1936.