

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF SLEEPING CAR PORTERS  
THE PULLMAN COMPANY**

**STATEMENT OF CLAIM:** "The particular question herein involved is the denial to Mrs. Y. J. Drye of her seniority rights in the San Francisco, California, District, by The Pullman Company."

**STATEMENT OF FACTS:** The employes stated the facts to be:

Mrs. Y. J. Drye is now and has been since December 20, 1924, employed as a maid in the San Francisco District of The Pullman Company. After serving several years as a maid on the Overland Limited Mrs. Drye was transferred to the San Francisco Limited and Chinese maids were employed and thereafter operated on the Overland Limited.

In 1932 the Overland Limited and San Francisco Limited were consolidated and the consolidated train was thereafter known as the San Francisco-Overland Limited. Chinese maids operating on the Overland Limited were retained on the San Francisco-Overland Limited and the Negro maids operating on the San Francisco Limited were not allowed to displace the Chinese maids assigned to the San Francisco-Overland Limited.

Mrs. Drye thereafter operated as a relief or extra maid, except during several periods when furloughed. She is now an extra maid in the San Francisco District.

On or about February 15, 1937, claimant asked to be allowed to exercise her seniority over junior maids operating on the San Francisco-Overland Limited but Carrier's Superintendent declined to permit her to displace any one of the Chinese maids operating on that train.

Hearing and appeal were accorded by Superintendent and Assistant to Vice President of Carrier.

The Carrier's "Statement of Facts" is included in its "Position."

An agreement between the parties bearing effective date of June 1, 1929, was placed in evidence.

**POSITION OF EMPLOYES:** Maid Drye, with seniority date of December 20, 1924, was removed from the Overland Limited in 1927 and placed on the San Francisco Limited. When these trains were combined in 1931, she was denied the right to operate on the San Francisco-Overland Limited, notwithstanding she was senior to maids operating on that train, because the Southern Pacific Railroad Company requested Chinese maids be used.

to conduct of the types of service performed. However, maids have never been considered as essential employees in performance of service in cars furnished by The Pullman Company. When requested, The Pullman Company will furnish maid service at the expense of the railroad company, The Pullman Company merely acting for the convenience of the railroad in employing and paying the maids for the account of the railroad.

It is thus evident that The Pullman Company has no authority over the extent of maid operation, nor the individuals to be employed, acting merely in such cases for the railroad company. Should an award be made in favor of the complainant, The Pullman Company would not be in a position to comply with it. We, therefore, respectfully ask that this case be dismissed.

Effective September 15, 1937, the railroads discontinued the use of Pullman Company maids on the trains in question and thereafter used Nurse-Stewardesses, employed by the railroad companies.

**OPINION OF BOARD:** Mrs. Drye was employed as a maid December 20, 1924. Maid service, with colored maids, was inaugurated on the Overland Limited via Southern Pacific, Union Pacific, Chicago & North Western Railways effective January 1, 1925, and continued until January 5, 1929, when upon request of the railroads, Chinese maids were employed and assigned to the Overland Limited, displacing colored maids.

On May 31, 1931, the Overland Limited, with Chinese maid service, and the San Francisco Limited, with colored maid service, were discontinued and a new train known as the San Francisco-Overland Limited was inaugurated. At the request of the railroads the Pullman equipment and Pullman crews of the Overland Limited were assigned to the San Francisco-Overland Limited. This resulted in displacing Maid Drye from service on the San Francisco Limited and she has since been on the extra list except during periods of furlough.

On February 15, 1937, Maid Drye asked Pullman Superintendent for permission to exercise her seniority rights and operate on the San Francisco-Overland Limited, which request was denied.

The question for determination involves only the right, under the provisions of the agreement, of claimant to exercise her seniority rights and operate on the San Francisco-Overland Limited after February 15, 1937, the date of her request to Pullman Company Superintendent.

Effective September 15, 1937, Pullman Company maid service on the trains in question was discontinued.

The Pullman Company had no authority over the character and extent of maid service requested by the railroads, but if the Pullman Company supplied such maid service, the provisions of the agreement applicable should have been complied with and Maid Drye should have been permitted to exercise her seniority rights under Rules 4 (a) and 5 (b) after February 15, 1937.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That if the carrier provides maid service the provisions of the agreement applicable should be complied with;

That under the provisions of the agreement claimant should have been allowed to exercise her seniority rights after February 15, 1937.

AWARD

Claimant should have been allowed to exercise her seniority rights after February 15, 1937, the date such request was made to the carrier's Superintendent.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson,  
Secretary.

Dated at Chicago, Illinois, this 29th day of October, 1937.