

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "For and in behalf of D. LaRoche, a porter now employed by the Pullman Company and operating out of the Pennsylvania Terminal District of New York City. Because the Pullman Company did, on March 29, 1939, deny the claim for four hours pay which the Brotherhood of Sleeping Car Porters maintains was due Porter LaRoche for services performed in said district during the month of November, 1938, according to the rules of the agreement now in force between the Pullman Company and Porters, Attendants and Maids in the service of the Pullman Company in the United States of America and Canada, effective October 1, 1937."

EMPLOYEES' STATEMENT OF FACTS: "Your petitioner, the Brotherhood of Sleeping Car Porters, respectfully submits that it is the duly designated and authorized representative of all Pullman porters, attendants and maids in the employ of the Pullman Company under the provisions of the Railway Labor Act.

"Your petitioner further sets forth that in such capacity it is the duly authorized representative of Porter D. LaRoche who is now and for a number of years past has been employed by the Pullman Company as a porter operating out of the Pennsylvania Terminal District of New York City.

"Your petitioner further sets forth that Porter LaRoche was given an assignment that left New York, November 8, 1938 at 4:00 P.M. for Houston, Texas and return to New York—this being a special service assignment.

"Your petitioner further sets forth that Porter LaRoche made inquiry of the sleeping conductor upon leaving New York as to how much rest time he was to be given on this trip and was informed by said conductor that he was to get four hours per day, and accordingly in the column provided for same, Porter LaRoche noted that four hours were to be deducted from the elapsed time of the trip for rest; and that Porter LaRoche did get the four hours rest period which was put on the time slip as being deducted from the elapsed time.

"Your petitioner further represents that despite the fact that Porter LaRoche did not get but four hours per day rest on said trip, the Management deducted from the elapsed time on said trip the number of five hours per day, and instead of deducting sixteen hours for rest period for the entire trip, as is provided for under the rule, the Management deducted twenty hours from total elapsed time which, the petitioner further maintains, was deducted for rest which was not obtained by the porter, and therefore, under the rule, these hours should be credited and paid for.

"St. Louis District Pullman conductor K. R. Schroen had charge of cars NIGHT ROUTE and PERSHING SQUARE from St. Louis to Houston, November 9th-10th, and from Houston to St. Louis November 12th-13th, 1938. A photostatic copy of his report to Superintendent L. P. Hanson, dated January 31st, 1939, is attached as Exhibit F. It contains the following,

'On this trip I told the porters on both of these cars that they could eat their meals in the diner and could be released from duty on their cars for one hour each.

' * * * I gave these porters the same information on the north-bound trip, being allowed each one hour rest period.

'On both the southbound and northbound trips these two men were relieved for four hours sleep each night.'

"Pullman Conductor A. D. Bradley, Boston Northern District, had charge of cars NIGHT ROUTE and PERSHING SQUARE from St. Louis to New York, November 13th-14th, 1938. A photostatic copy of his longhand letter of February 21st, 1939, to District Superintendent Murray is attached as Exhibit G. This letter contains the following:

'In regards to having any conversation with the porters about time, I only told them to take their regular time off, and so far as rest during the day, they had the whole afternoon to rest as there were several rooms open and very little to do until time to make down.

* * *

'Porters had 4 hours rest at night.'

"It will be seen from the reports of the Pullman conductors who had charge of cars NIGHT ROUTE and PERSHING SQUARE for the special service movement New York to Houston and return, that the porters on them were given full 4 hours sleep each night en route, and ample time for rest other than sleep. No claim for added compensation has been presented by or for Porter O. F. Prince, assigned to car PERSHING SQUARE, though his time for the round trip was entered on his time sheet, and was computed in the same manner as the time of LaRoche. As Porter LaRoche lost no sleep time the Company properly deducted 10 hours from his elapsed time for the trip made from New York to Houston, and 10 hours for the trip Houston to New York. He is not entitled to additional compensation for 4 hours. His claim should be denied."

(Exhibits not included.)

OPINION OF BOARD: The facts of record do not justify an affirmative award.

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 employes involved in this dispute are respectively carrier and employes 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 the facts of record do not justify an affirmative award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 1st day of November, 1939.