

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

ORDER OF RAILWAY CONDUCTORS

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: "Claim to have dining car steward compensated for time lost on dining car No. 6908 beginning November 3, 1938, and subsequent dates; also to have dining car steward compensated for time lost on dining car No. 6912 beginning December 14, 1938, and subsequent dates; and that dining car chefs and cooks working on dining cars Nos. 6908 and 6912 during period mentioned, be compensated on basis of rates applicable to regular dining car service instead of rates applicable to cafe cars; based on provisions of Rule 1, Dining Car Stewards', Chefs and Cooks' Agreement of March 1, 1938."

OPINION OF BOARD: By Award No. 1108 this case was remanded to the parties for disposition in conformity with the views set forth in Opinion of Board or for resubmission on a record adequate for adjudication of the dispute.

Following the issuance of Award No. 1108 the parties failed to dispose of the dispute and it was subsequently resubmitted and heard by the Board, March 6, 1941.

While additional information, including blueprints showing interior arrangement of regular diners and cafe cars, was presented, the parties continue in disagreement both as to classification of the cars and whether or not the conversions were actual and bona fide and determinative of the class of employees' service.

The record contains statements that on numerous occasions it was necessary to reinstall portable dining car tables to accommodate guests and that the assignment of the converted regular dining cars to the runs involved was the result of shortage of cafe (combination) cars.

The additional information submitted by the parties is not adequate for adjudication of the dispute. The case will again be remanded to the parties for disposition in conformity with the views set forth in Award No. 1108 and this Opinion.

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 Employees involved in this dispute are respectively Carrier and Employees 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 evidence of record is inadequate for adjudication of the dispute.

AWARD

Case is remanded to the parties for disposition in conformity with Award No. 1108 and this Opinion of the Board.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 27th day of May, 1941.