

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

CHICAGO & WESTERN INDIANA RAILROAD COMPANY

STATEMENT OF CLAIM: Violation of Rule 2 (a) and 2 (c) of an existing agreement and memorandum of agreement dated June 20, 1940.

A further claim is made for compensation for all employees affected by this violation beginning with November 17, 1946.

EMPLOYEES' STATEMENT OF FACTS: On or about November 17, 1946, the Chicago Western Indiana Railroad Company instructed baggage handlers in its baggage department to remove all bags from trains of the Erie Railroad Company, entering that terminal bearing a luggage check placed there by the coach porters. They were further instructed to handle this luggage by baggage truck and deliver it either to the parcel check room of that terminal or to the Parmelee office in that terminal. The handling of luggage from all Erie passengers of Erie trains in that terminal prior to the new order above mentioned, had been done by red caps under a contract signed June 12, 1939. Subsequent to this change in the handling of baggage from the Erie trains, the Chicago Western Indiana Railroad Company issued an order decreasing the number of red caps employed by eight persons. All documents, correspondence in connection with this case are attached as Exhibit A.

POSITION OF EMPLOYEE The position of the employee is that Rule 2 (a) and (c) of its agreement with this carrier and its memorandum of understanding of June 1940 has been violated. Rule 2 reads as follows with emphasis on 2 (a) and (c).

Rule 2—Definition and Duties of Red Caps

- (a) Red caps are those employees whose general duties are to carry hand baggage or luggage, packages and other articles to and from trains, parcel and baggage rooms, taxicabs, and other vehicles; and to assist passengers, and perform such other acts related to these general duties as may be assigned to them.
- (b) The foregoing definition shall not be construed to apply to baggage or parcel room employees.
- (c) Change of Titles—Established positions shall not be discontinued and new ones created under a different caption covering relatively the same class of work for the purpose of evading the application of these rules.

It will be noted that Rule 2 definitely describes the duties of red caps. Those duties specifically include the handling of baggage, packages or other

OPINION OF BOARD: Based upon all of the facts and circumstances of this particular case, the Board is not disposed to disturb the action of the Carrier.

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 Board is not disposed to disturb the action of the Carrier.

AWARD

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 7th day of April, 1948.