

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

DINING CAR EMPLOYEES' UNION, LOCAL 351, CHICAGO, ILLINOIS
NEW YORK CENTRAL RAILROAD COMPANY
CLEVELAND, CINCINNATI, CHICAGO AND SAINT LOUIS RAILWAY
COMPANY (N. Y. C. R. R. CO., LESSEE)

DISPUTE.—(a) "That employees, W. J. McKenzie and Jos. A. Rolfes, in active service of the former St. Louis District of the Dining Service Department of the C. C. C. & St. L. Ry. Co. (N. Y. C. R. R. Co., Lessee) effected by the consolidation be shown on the consolidated Roster of the Chicago District of the N. Y. C. R. R. Co., Lines West (This District absorbed the runs which were operated by these men and still in existence as part of newly created runs), with *seniority rights unimpaired*; that these men be reimbursed for all time lost by the denial of their rights through the consolidation retroactive to March 20, 1933, the effective date of the consolidation."

(b) "That the furloughed employees, J. M. Kelly, D. M. Wallace, E. O. Davis, J. T. Gall, and A. J. Blume, of the former St. Louis District of the C. C. C. & St. L. Ry. Co. (N. Y. C. R. R. Co., Lessee) effected by the consolidation, be shown on consolidated roster of the Chicago District of the N. Y. C. R. R. Co. (Lines West) with seniority rights unimpaired; that if it is found that, through the denial of their seniority rights, these men have been unjustly discriminated against by the failure of the N. Y. C. R. R. Co. to recall them for duty, that they be reimbursed for time so lost."

(c) "Discrimination by the New York Central R. R. Co., against one J. A. Rolfes, a Steward in the Dining Service Department of the C. C. C. & St. L. Ry. Co. (N. Y. C. R. R., Lessee), whose seniority status as a Steward at the time of the consolidation has been challenged by said railroad."

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

The carriers and the employees involved in this dispute are respectively carriers and employees 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.

An Agreement, bearing effective date of June 1st, 1921, governing wages and working conditions of employees therein designated, is shown to exist between the Carriers and the employees.

On or about March 20, 1933, the Carriers effected a general rearrangement of their dining-car service which permitted of certain force reductions and a consequent furlough of junior employees affected; and which resulted also in changing the Home Station (or long lay-over point) of certain other employees.

The complainant employees were in the service of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company with seniority rights restricted thereto under the terms of the Agreement cited from which the following rules are quoted:

"Seniority to be restricted to each district as now operated."

And—

"In reducing forces seniority, restricted to each district as now operated, will govern."

Complainant employees were displaced and/or furloughed from the St. Louis District through the described general rearrangement of dining-car service. In respect of items (a) and (b), made subject of dispute, said employees seek to have their employment status preserved to them by merger with and the transfer of seniority and Home Station to the Chicago District, and which is found to be contrary to the terms of the Agreement cited.