

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Lloyd K. Garrison, Referee

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS  
THE PULLMAN COMPANY

DISPUTE.—

"Conductor N. L. Lamb, New York District, claims 2 days' pay for each of three trips deadhead on pass leaving Chicago at 3:00 P. M., arriving New York the next day at 1:00 P. M., month of January 1933."

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

The carrier and the employee involved in this dispute are, respectively, carrier and employee 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.

The case being deadlocked, Lloyd K. Garrison was called in as Referee to sit with the Division as a member thereof.

There is in evidence The Pullman Company Rules Governing Working Conditions for Conductors, effective December 16, 1923, and Mediation Agreement of March 1st, 1928.

The service performed was as follows:

	Carrier paid	Carrier credited	Employees claim pay
1-8-33, Left New York 3:15 P. M.—Line 5530.....			2 days.
1-9-33, Arrived Chicago 12:25 P. M.—Line 5530.....	2 days.....	18 hrs. 10 mins.....	
1-9-33, Left Chicago 3:00 P. M.—Deadhead on pass.....			8 hrs.
1-10-33, Arrived New York 1:00 P. M.—Deadhead on pass.....	1 day.....	16 hrs.....	8 hrs.
	3 days.....		4 days.

Elapsed time for roundtrip—45 hrs. 45 minutes.  
Similar deadhead service Jan. 16-17 and 22-23, 1933.

On the basis of the principles already established in Docket PC-105, Award Number 259, of this Division, the claim should be sustained.

It will be noted that the carrier allowed a credit of 16 hours for each deadhead movement but paid for only 8 hours. The initial trip from New York to Chicago was paid for on the trip or day's service basis, under Rule 3. The Company paid nothing for the first day of deadheading from Chicago on the return journey to New York, lumping this into the preceding payment. No duplication of payments is involved here. Two days was allowed for the New York to Chicago trip in road service, although it consumed 18 hours and 10 minutes. The deadhead movement back from Chicago was entirely separate from the New York to Chicago run and no duplication is involved in paying for it.

AWARD

Claim is sustained to the extent of 1 day's pay for each of the 3 trips in question.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary.*

Dated at Chicago, Illinois, this 9th day of May 1936.