

Award No. 667
Docket No. PC-634

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

John A. Lapp, Referee

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "The question involved is on pay for services rendered in the second half of April, 1937, by Conductor W. I. Bateman, Houston District. He was required to work on two prescribed relief days and one layover day, for which he was paid two days at his daily rate. He claims three and one-half days' pay."

EMPLOYES' STATEMENT OF FACTS: "This grievance has been presented under the rules of the Agreement between The Pullman Company and Conductors in the Service of The Pullman Company. Decision of the highest officer designated for that purpose is shown in Exhibit 'A,' Rules 20, Exhibit 'B,' 24, Exhibit 'C,' and 19, Exhibit 'D,' are involved in this case.

"This conductor is assigned to lines 3309-3730, operating as a pool between Houston and Palestine, Texas. The line carries a relief of 24 hours in addition to layover. The conductors make 4 round trips and then are entitled to the relief of 24 hours additional time at home terminal. Payment for each trip includes a pro-rated portion of the relief, as provided in Rule 19, Exhibit 'D.' In this case each round trip pays 1-1/6 days' pay. This conductor worked on two relief days, the 16th and 25th, and one layover day, the 20th, all in April. He performed this additional service in his own line. He was paid one additional day for each of these extra trips."

CARRIER'S STATEMENT OF FACTS: "Conductor W. I. Bateman, Houston District, was regularly assigned in April, 1937, to operate between Houston and Palestine, Texas, in two lines No. 3309 (Galveston-St. Louis) and No. 3730 (Houston-St. Louis), on the following schedule:

Report for Duty			Released from duty			Elapsed Time	Net Serv.		Lay-over
Line	Station	Hour	Day	Station	Hour	Day	Rest	Hrs.	
3309	Houston	12:00 M	1	Palestine	4:20 PM	1	4'20"	None	5'20"
3730	Palestine	9:40 PM	1	Houston	8:00 AM	2	10'20"	3	13'15"
3730	Houston	9:15 PM	2	Palestine	5:15 AM	3	8'00"	None	3'45"
3309	Palestine	9:00 AM	3	Houston	1:15 PM	3	4'15"	None	22'45"*
TOTAL —							26'55"	3	23'55" 45'05"

* -24 hours periodic relief was allowed in Houston after two such cycle trips, or in other words after four round trips.

"3½ conductors were required to fill the assignment in accordance with the above outlined schedule. Performance of four consecutive round trips (2 cycle trips) entitled a conductor to pay for 7 days (Including one relief day). A conductor making less than two complete cycles in the line received, for each round trip, 1½ days' pay, plus ¼ of a day's pay as his pro-rata

OPINION OF BOARD: The Board holds that under Rule 24 conductors are to be compensated for road service performed on specified layover or relief days in addition to all other earnings for the month.

Conductor Bateman performed road service within the spread of his layover and relief periods, equal to three round trips in his assignment, or a total of five and one-fourth days. He received pay for two days, leaving a balance of three and one-fourth days for which he should be compensated.

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 employe involved in this dispute are respectively carrier and employe 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 sustain the contention of the employe.

AWARD

Claim sustained for three and one-fourth additional days.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 7th day of June, 1938.