

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Richard F. Mitchell, Referee

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "On January 28, 1939, conductors were removed from Line 2032 and porters were put in their places, which it is contended is a violation of Rules 31 and 33, Agreement between The Pullman Company and Conductors in the Service of The Pullman Company. Conductors G. W. Barnett, J. I. Elliott and F. Kennerly, of the Savannah District, were affected by this change. By putting porters on Line 2032, Conductor F. Kennerly was displaced from his regular assignment as relief conductor and he asks immediate reinstatement and pay for all time lost. Conductors G. W. Barnett and J. I. Elliott, who were displaced from their regular assignment on Lines 523 and 2786 by conductors taken off Line 2032, claim pay for all time lost on account of being wrongfully displaced from their assignment."

EMPLOYES' STATEMENT OF FACTS: "This grievance has been progressed in the usual manner 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.'"

"Prior to January 28, 1939, Line 2032 was operated by conductors but on that date they were removed and porters were assigned to do their work. The position taken by the carrier at the first hearing was that there was no violation of the Agreement.

"The operation of Line 2032 is as follows:

| | |
|-------------------|------------|
| Leave Savannah | 7:15 P. M. |
| Arrive Montgomery | 6:35 A. M. |

Return trip:

| | |
|------------------|------------|
| Leave Montgomery | 6:30 P. M. |
| Arrive Savannah | 8:15 A. M. |

Trains 57 and 58, A. C. L. Railroad—Mileage, 410.
Time westbound, 11 hours 20 minutes
Time eastbound, 13 hours 45 minutes

"One Pullman car handled Savannah to Montgomery and return, Line 2032. Two and one-half conductors assigned to the line.

OPINION OF BOARD: The principles involved in this claim in respect to the right of the Pullman Company to change from a conductor operated line to a porter-in-charge line are identical with the principles in Docket PC-854, Award 1461. That award is controlling in this case. We shall consider the record and the showing made in the light of the statement made in Award 779. We quote from that award:

"* * * we should be furnished among other things the following criteria; other instances of comparable lines on which substitutions have been made; the history of the contested as well as the compared lines; reasons for the changes; changes in traffic volume."

On January 28, 1939, conductors were removed from line 2032 and porters were put in their places. It is the contention of the employees that this was a violation of Rules 31 and 33 of the Agreement. The operation of line 2032 is as follows: It leaves Savannah at 7:15 P. M., and arrives at Montgomery at 6:35 A. M. The return trip leaves Montgomery at 6:25 P. M. and arrives at Savannah at 8:15 A. M. There is one pullman car handled Savannah to Montgomery and return. The time westbound is 11'20" and the time eastbound is 13'45". This line was originally bulletined for conductors' bids, and assignments were made in accordance with Rule 31. The carrier shows that originally line 2032 was operated between Waycross and Montgomery with 2 other cars designated as lines 3212 and 2043. In March, 1928, line 2043, Jacksonville-Montgomery was abandoned. In September, 1930, the conductors' run was shortened to Sprague, from which point the two cars were carried to Montgomery and back, on the return trip, by porters. This continued until August, 1932, when the conductors resumed operating through to Montgomery. In January, 1933, line 3212, Jacksonville-St. Louis was abandoned (it was resumed in the fall of 1936 as a seasonal operation on a different train) and the operation in dispute was reduced to a single car. Thus we see that originally there were 3 cars on this run; that it was reduced to a one car over-night run. The record shows a steady and material decrease in traffic. There are comparable lines shown in the record. The carrier has met the burden of showing the reasons that justify the change.

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 claimants have failed to show violation of Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 12th day of June, 1941.