

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Jay S. Parker, Referee

PARTIES TO DISPUTE:

ORDER OF RAILWAY CONDUCTORS—PULLMAN SYSTEM

THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Order of Railway Conductors, Pullman System, claims that the operation of Lines 2140 and 6103, B. & O. Trains 3-4 and 11-12, Cincinnati, Ohio, and St. Louis, Missouri, is in violation of Rules 18 and 54 of the Agreement between The Pullman Company and Conductors in the Service of The Pullman Company, as interpreted by Adjustment Board Award No. 1884, dated July 24, 1942, and that said operation, which is a pool of these lines, is depriving conductors of their right to work as provided in Rules 18 and 54, and asks compensation to those conductors for the work thus denied to them—with the further proviso that this pool of lines shall be separated and a relief established on the overnight run of Trains 11 and 12.

EMPLOYES' STATEMENT OF FACTS: This case 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 ranking officer designated for that purpose, denying the claim, is shown in Exhibit No. 1.

Line 6103 operates between Jersey City and St. Louis on B. & O. Train No. 3 westbound, returning eastbound on Train No. 4. Line 2140 operates between Cincinnati and St. Louis on B. & O. Train No. 11 westbound, returning eastbound on Train No. 12. The B. & O. Time Card shows 3 and 4 as companion trains and 11 and 12 as companion trains. Two Cincinnati District conductors were assigned to operate on B. & O. 3 and 12 on the following schedule:

CONDUCTORS' ITINERARY

Westbound—Line 6103—Cincinnati to St. Louis—B. & O. No. 3
Eastbound—Line 2140—St. Louis to Cincinnati—B. & O. No. 12

SCHEDULE

OUTBOUND

Cincinnati	Report	9:15 A.M. ET
Cincinnati	Receive	9:30 A.M. ET
Cincinnati	Depart	9:45 A.M. ET
St. Louis	Arrive	4:30 P.M. CT
St. Louis	Released	4:45 P.M. CT

Elapsed Time 8 Hrs. 30 Mins.
Relief Enroute None
Time on Duty 8 Hrs. 30 Mins.

OPINION OF BOARD: The facts giving rise to this dispute have been sufficiently stated by the parties in their submissions and can be ascertained therefrom.

It is conceded the question presented is identical with that in PC-2466, and this day determined by this Division in Award 2762. Such award being determinative of this dispute it is ordered the practice complained of here be discontinued and that conductors affected be paid for loss of time resulting from the operation of the overnight run in conjunction with the other run, described in the submissions, from April 1, 1943, the date of formal presentation of the claim.

In reaching the conclusion just announced an additional argument advanced by the Company to the effect that individual conductors affected by conductor assignments involved are opposed to discontinuance of the Company's present operation schedule has been given careful attention. Fairness requires the statement the record appears to support the factual situation on which the argument is predicated. While the personal wishes and desires of conductors involved by this award may well be cause for future negotiation between the parties on the subject of whether Rule 54 is a proper one and should be retained in the contract, such matters cannot be considered in determining its force and effect as written.

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 Rule 54 of the current agreement has been violated and the claim should be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 17th day of January, 1945.