

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: Conductor M. A. Ewart, Chicago Southern District, claims that Line 2217, Big Four Trains 416-437, Line 1173, Big Four Trains 444-415, and Line 2203, Big Four Trains 418-443, are being operated in violation of Rules 18 and 54, Agreement between The Pullman Company and Conductors in the Service of The Pullman Company.

EMPLOYES' STATEMENT OF FACTS: This case has been progressed in the usual manner under the rules of the Agreement. Decision of the highest officer designated for that purpose, denying the claim, is shown in Exhibit No. 1.

Line 1173 operates between Chicago and Cincinnati on Big Four Train 444, Royal Palm, southbound—returning on Train 437, Royal Palm, northbound. The Official Guide of the Railways, issued in January, 1943, shows Big Four Trains 437 and 444 as companion trains.

Line 2217 operates between Chicago and Phoebus, Va., on Big Four Train 416, Cincinnati Special, southbound—returning northbound on Train 415, Chicago Special, and they are shown in the Official Guide of the Railways as companion trains. The conductor handles Line 2217, Chicago-Cincinnati and return.

Line 2203 (formerly Line 1158) operates between Chicago and Phoebus, Va., on Big Four Train 418, Queen City Special, southbound—returning northbound on Train 415, Chicago Special. The Official Guide of the Railways shows Trains 418, Queen City Special, and 419, White City Special, as companion trains. Train 419, White City Special, carries no Pullman equipment. The conductor handles Line 2203, Chicago-Cincinnati and return.

The Official Guide of the Railways shows Big Four Trains 443, Chicago Night Express, and 438, Cincinnati Night Express, as companion trains.

The operation of conductors on Big Four No. 444-415 is as follows:

Line 1173 (Chicago-Cincinnati) between Chicago and Cincinnati

Terminals		Conductor Operates	
Outbound B4 No. 444		Inbound B4 No. 415	
Report Chicago	9:15 pm (1)	Report Cincinnati	7:55 am (2)
Receive passengers	9:30 pm (1)	Receive passengers	8:25 am (2)
Depart CT	11:45 pm (1)	Depart ET	9:15 am (2)
Arrive ET	7:55 am (2)	Arrive CT	2:45 pm (2)
Not released from duty		Released from duty	3:05 pm (2)
Elapsed time	9 hrs. 40 m.	Elapsed time	8 hrs. 10 m.
Less relief enroute	3 " 00 "	Less relief enroute	0 " 00 "
Time on duty	6 " 40 "	Time on duty	8 " 10 "

Number of men in line—2.

Additional relief at home terminal—None.

OPINION OF BOARD: The basis of this controversy and the positions of the parties have been fully stated in their submissions and can be ascertained by reference thereto.

The issue presented is identical in principle with that in PC-2466, this day disposed of by this Division in Award No. 2762. The claim is different in that it merely seeks discontinuance of the operation complained of and does not ask for compensation for loss of time resulting from the practice. Since Award No. 2762 is determinative of this controversy it is ordered that the operation of night runs in conjunction with other runs be discontinued.

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 existing contract is being violated and the claim as submitted should be and is 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.