

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS
THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of M. Martin and H. J. Turner, who are now, and for some time past have been, employed by The Pullman Company as porters operating out of the District of Cincinnati, Ohio.

Because The Pullman Company did, under date of June 11, 1952, through its Vice President, Mr. M. B. Osburn, sustain the Company's action in denying the claim filed by this Organization for and in behalf of M. Martin and H. J. Turner through Superintendent R. I. Ryan of the Cincinnati, Ohio District, in which the Organization claimed that these men were deprived of certain sums of money that should have been paid to them as a result of a violation of the Agreement in connection with their operation in the service of the Company in what is known as 'Special Service' originating February 26, 1951 at Cincinnati, and terminating after having made a round trip on March 22, 1951 at Cincinnati.

And further, for the above-mentioned porters to be paid the sums of money that they should have been paid as contended by the Organization in said claim because the Company in violation of the Agreement deducted certain hours for rest periods which rest periods were not obtained by these employees.

EMPLOYEES' STATEMENT OF FACTS: Your Petitioner, the Brotherhood of Sleeping Car Porters, respectfully submits that it is duly authorized to represent all the porters, attendants, maids and bus boys employed by The Pullman Company as it is provided for under the Railway Labor Act.

Your Petitioner further sets forth that it is duly authorized to represent Porters H. J. Turner and M. Martin, who are now, and for some time past have been, employed by The Pullman Company as porters operating out of the District of Cincinnati, Ohio.

Your Petitioner further sets forth that in line with their regular duties Porters Turner and Martin were assigned to a special service tour, which originated in Cincinnati, Ohio on February 26, 1951 and ended in Cincinnati on March 22, 1951, covering a great part of the eastern section of the country. Under date of July 10, 1951, and July 11, 1951, the Brotherhood of Sleeping Car Porters filed a claim for and in behalf of each of these individual porters in connection with said trip, maintaining that these porters did not get all of the rest for which they were penalized by having the hours deducted from the total elapsed hours on said trip.

and Turner are entitled to 90:00 hours' additional credit and pay for the extended special service trip, February 26-March 22, 1951.

The claim is without merit and should be denied.

All data presented herewith and in support of the Company's position have heretofore been submitted in substance to the employe or his representative and made a part of this dispute.

(Exhibits not reproduced)

OPINION OF BOARD: The evidence does not support the claim.

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 the Agreement was not violated.

AWARD

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 31st day of March, 1954.