



Award No. 17147

Docket No. PC-17695

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

**ORDER OF RAILWAY CONDUCTORS AND BRAKEMEN,
PULLMAN SYSTEM**

THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Order of Railway Conductors and Brakemen, Pullman System, claims for and in behalf of several Pennsylvania Terminal District conductors, that the Agreement, with especial emphasis on Rule 31, was violated, when:

1. On August 8, 1966, the conductor run on PRR-RFP-ACL-SAL trains 105-1-2-104 (known as the EAST COAST CHAMPION), identified for Pullman Company accounting purposes as Line 6817, was not promptly bulletined in the Pennsylvania Terminal District.
2. We now ask that the following conductors be compensated just as though they had been properly assigned and had performed the trips from New York, New York, to Miami, Florida, instead of Jacksonville, Florida, as they were assigned, on the dates and in the amounts specified:

J. J. Gillespie	August 8, 1966	\$53.71
A. Young	August 9, 1966	\$53.71
W. H. Grim	August 10, 1966	\$53.71
A. W. Mann	August 11, 1966	\$53.71
C. A. Magill	August 12, 1966	\$53.71
F. L. Seavey	August 13, 1966	\$53.71
J. M. Quinn	August 14, 1966	\$53.71
W. H. Grim	August 15, 1966	\$53.71

Rules 25, 33, 38, and 46 are also involved.

EMPLOYEES' STATEMENT OF FACTS: There is an Agreement between the parties, and amendments thereto, bearing the effective date of September 21, 1957, revised January 1, 1964, and March 16, 1965, on file with your Honorable Board, and by this reference is made a part of this submission the same as though fully set out herein.

2:30 P.M., August 15, 1966, for seven vacancies in the conductor run, which was to operate between New York and Miami, and that the bulletining period for this run would expire at 2:30 P.M., August 25, 1966. Starting with August 16, Line 6817 began operating through to Miami and continued to do so until August 22 on which date the air lines' strike terminated. Effective from New York on August 23, 1966, Line 6817 reverted to its seasonal operation between New York and Jacksonville as it existed prior to August 16, 1966.

Finally, on October 6, 1966, Local Chairman J. J. Gillespie filed claim with Superintendent G. S. Holland in behalf of Penn. Terminal District conductors who allegedly were entitled to depart New York in extended Line 6817 from August 8 through August 15, 1966. A copy of Local Chairman Gillespie's letter of claim is set forth on page 1 as Exhibit A.

Hearing on the Organization's claim was held in the office of Superintendent G. S. Holland on March 22, 1967. A copy of transcript of hearing is attached to this submission as Exhibit A.

Under date of April 20, 1967, Superintendent Holland notified Local Chairman Gillespie that he had carefully considered all the facts of record and was unable to agree that the Agreement had been violated, as alleged, or that the conductors identified in the hearing were entitled to any additional compensation. A copy of Superintendent Holland's denial decision is attached as Exhibit B.

In letter dated May 10, 1967, General Chairman H. N. Chancey progressed the claim on appeal to the Company's appeals officer. Exhibit C.

Conference on the claim was held by mutual agreement on November 17, 1967, and under date of December 5, 1967, the Company's appeals officer rendered his denial decision. Exhibit D.

The Organization progressed the claim to the Third Division, National Railroad Adjustment Board in letter dated March 8, 1968. A copy of General Chairman Chancey's letter to the Third Division is attached as Exhibit E.

(Exhibits not reproduced)

OPINION OF BOARD: The question at issue herein involves the manning of Pullman service on train known as the East Coast Champion during the period of a major air lines strike that commenced on July 8, 1966.

As the Board understands the record, prior to April 24, 1966, Penn. Terminal District conductors operated the East Coast Champion from New York, N. Y., to Miami, Fla. Effective April 24, 1966, the East Coast Champion and the West Coast Champion (a companion train operated by the conductors of the Jacksonville District of the Pullman Company) were combined north of Jacksonville, between Jacksonville and New York City, and with the City of Miami and the Southwind south of Jacksonville, between Jacksonville and Miami, on a daily basis.

Beginning on June 17, 1966, the East Coast Champion and the West Coast Champion were operated as separate trains north of Jacksonville, between Jacksonville and New York City. The East Coast Champion continued to be combined with the City of Miami and the Southwind south of

Jacksonville, between Jacksonville and Miami. The Petitioner states that the Penn. Terminal District Pullman conductor run on the East Coast Champion was restored effective June 17, 1966, but shortened to operate between New York, N. Y., and Jacksonville, Fla.

Due to increase in business brought about by the air lines strike, the Atlantic Coast Line and the Seaboard Air Line Railroads decided to operate two trains, the East Coast Champion and the City of Miami and the Southwind separately between Jacksonville and Miami. The Pullman Company assigned Jacksonville and Miami District extra conductors to handle the New York-Miami cars on the East Coast Champion between Jacksonville and Miami.

On the 31st day of the operation of the restored East Coast Champion operation south of Jacksonville, between Jacksonville and Miami, the Company bulletined the restored portion of the operation, between Jacksonville and Miami, for bids by the conductors of the Jacksonville District. The Carrier contends that such action was in accordance with Rules 31 and 46 of the applicable Agreement. The run was designated as Line 6817 and became effective with the first round trip from Jacksonville on August 11, 1966.

On August 13, 1966, the General Chairman of the Organization wrote the Assistant Vice President, Operation, of the Pullman Company:

"This is further in connection with our conversations with regard to the restored operation of the EAST COAST CHAMPION, ACL-SAL trains 1-2, between Jacksonville and Miami.

"It is my opinion that this restored run should be assigned to the conductors of the Penn Terminal District. It is my suggestion that you cancel the bulletin in the Jacksonville District and bulletin the run in the Penn Terminal District."

On August 15, 1966, the Assistant Vice President, Operating, of the Pullman Company, responded to the General Chairman:

"Referring to your letter of August 13, regarding the operation of the EAST COAST CHAMPION, ACL-SAL trains 1-2, between Jacksonville and Miami, we are immediately arranging to operate the Penn Terminal District conductors through to Miami and bulletining the run in the Penn Terminal District."

On August 15, 1966, bulletin was posted in the Penn. Terminal District for seven vacancies in the conductor run, which was to operate between New York and Miami, the bulletin period to expire at 2:30 p.m., August 25, 1966. Starting with August 16, Line 6817 began operating through to Miami and continued to do so until August 22, 1966, on which date the air lines strike terminated. Effective from New York on August 23, 1966, Line 6817 reverted to its operation between New York and Jacksonville, as it existed prior to August 16, 1966.

On October 6, 1966, the Local Chairman initiated claim with the Superintendent on behalf of Penn. Terminal District conductors, who allegedly were entitled to depart New York in extended Line 6817 from August 8

through August 15, 1966. The claim was progressed in the regular manner on the property and is the claim that is before the Division.

The Petitioner contends before the Board that on the 31st day of the operation of what it terms the restored portion of the East Coast Champion, south of Jacksonville between Jacksonville and Miami, the run should have been restored to, and bulletined for bid by the conductors of the Penn. Terminal District, basing its contention on Rule 31 and a portion of Rule 46. The Carrier contends that the bulletining of the service to the Jacksonville District conductors was proper, and that its subsequent action in cancelling the bulletin and bulletining the service to conductors of the Penn. Terminal District was merely an accommodation to the Organization, based on the request of the General Chairman, heretofore quoted.

We have carefully considered the entire record and it is our conclusion that the position of the Employees must be sustained. The contention of the Carrier that its action in bulletining the service to conductors of the Penn. Terminal District on August 15, 1966, was merely an accommodation to the Organization is not persuasive. The Carrier's response of August 15, 1966, to the General Chairman's letter of August 13 contained no reservation as to its contention with respect to the proper application of the rules.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of May 1969.