Cheney Award More Than One Class of Road Service (BofRT)

By supplemental agreement of May 25; 1951, to agreement of May 25, 1951, by and between partici­pating Carriers, as listed in Exhibits A, B, and C and made a part thereof, and represented by Eastern, Western and Southeastern Carriers' Con­ference Committees, and employee shown thereon and represented by the Brotherhood of Railroad Trainmen through their Conference Committee, it was agreed the parties were in dispute with respect to the following:

MORE THAN ONE CLASS OF ROAD SERVICE

The parties agreed that the dispute as to this rule would be submitted to a Referee to be appointed by the President of the United States for a decision and that the decision of the Referee would be final and binding on the parties and would become effective thirty (30) days from the expiration of the date the Referee notified the Carrier and Employee Committees of decision, and each Carrier would make its election within such period in accordance with the saving clause provisions of the proposed rules. Accordingly, Mr. George Cheney was appointed Referee by Presi­dent Truman, June 8, l95l, and rendered the following decision and award dated August l, l95l, in this dispute:

"A new rule should be drafted and in­serted in the principal agreement between the parties to this proceeding, dated May 25, 1951, which should read as follows: "Road trainmen performing more than one class of road service in a day or trip will be paid for the entire service at the highest rate applicable to any class of service performed. The overtime basis for the rate paid will apply for the entire trip.

"Question No. 1. Does the rule apply to conductors and trainmen in unassigned and/or assigned road service?

"Answer. Yes, except where existing rules adopted prior to August l, 1939,

specifically provide that conductors and trainmen will not be required to perform work other than that to which regularly assigned.

"Question No. 2. Does the rule apply to conductors and trainmen at an intermediate point or between two intermediate points where conductors and trainmen are required to perform road service not incident to the normal trip?

"Answer. Yes, except where existing rules adopted prior to August l, 1939, specifically provide separate compensation for such work.

"Question No. 3. Does the rule set aside lap‑back or side trip rules?

"Answer. No, except that when a combina-tion of service includes work, wreck, helper or pusher service, such rules will not be applic-able to any movements made in the performance of such service.

"Question No. 4. Does the rule set aside existing conversion rules?

     "Answer No. 4. No

"Question No. 5. Does the rule set aside existing terminal switching rules?

"Answer. No.

"New proposed Question No. 6.

"Question No. 6. Does the rule apply to conductors and trainmen in passenger service?

"Answer. Yes, except where under existing rules seniority acquired by employee in passenger service is separate and distinct from the seniority acquired by employee in freight service.

"Helper or pusher service, not a part Of their regular assignment, Or wreck or work train service should not be required Of passenger conductors and trainmen except in emergencies.

"Question No. 7. Does the rule apply to conductors and trainmen who are required at an intermediate point or points to perform work train service?

"Answer. Yes, except where existing rules adopted prior to August 1, 1939, specifically provide for separate compensa­tion for conductors and trainmen performing work train service.

"Question No. 8. Does the rule apply where road conductors and trainmen are in­structed at the outset of a trip before leaving the initial terminal to perform another class of road service outside of the terminal?

"Answer. Yes, except where existing rules adopted prior to August 1, 1939, specifically provide otherwise."