

**Report**  
**TO**  
**THE PRESIDENT**  
**BY THE**  
**EMERGENCY BOARD**

**CREATED DECEMBER 16, 1947**  
**PURSUANT TO SECTION 10**  
**OF THE RAILWAY LABOR ACT**

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**To investigate unadjusted disputes between  
the Georgia Railroad and certain of its  
employees represented by the Brotherhood  
of Locomotive Firemen and Enginemen**

***(NMB Case No. A-2518)***

**ATLANTA, GEORGIA**

**JANUARY 20, 1948**

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**(No. 53)**

ATLANTA, GA., *January 20, 1948.*

THE PRESIDENT,  
*The White House.*

MR. PRESIDENT: The emergency board appointed by you January 2, 1948, pursuant to section 10 of the Railway Labor Act to investigate disputes between the Georgia Railroad and certain of its employees represented by the Brotherhood of Locomotive Firemen and Engineers, has the honor to submit herewith its report and recommendations based upon its investigation of the issues in dispute.

Respectfully submitted.

FLOYD MCGOWN, *Chairman.*  
JOHN T. McCANN, *Member.*  
EUGENE L. PADBERG, *Member.*

**REPORT OF EMERGENCY BOARD APPOINTED JANUARY  
2, 1948, PURSUANT TO EXECUTIVE ORDER 9910, DATED  
DECEMBER 16, 1947, UNDER SECTION 10 OF THE RAIL-  
WAY LABOR ACT, AS AMENDED**

To investigate the facts of disputes between the Georgia Railroad and certain of its employees represented by the organization named in said Executive order, and to report on them to the President within 30 days from the date of the Executive order.

**INTRODUCTORY**

December 16, 1947, the President of the United States issued Executive Order 9910 creating an emergency board, the said Executive order reading as follows:

**EXECUTIVE ORDER**

**CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE GEORGIA  
RAILROAD AND THE BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN**

Whereas a dispute exists between the Georgia Railroad, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen, a labor organization; and

Whereas this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

Whereas this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the State of Georgia to a degree such as to deprive that portion of the country of essential transportation service:

Now, therefore, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within 30 days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the Georgia Railroad or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN.

THE WHITE HOUSE,  
December 16, 1947.

(1)

The president appointed Floyd McGown of Texas, John T. McCann of New York, and Eugene L. Padberg of Missouri, members of said emergency board.

The time fixed for the convening of the board was 10 a. m. on Tuesday morning, January the 13th, 1948, in room 304, general offices, Georgia Railroad, No. 4 Hunter Street, Atlanta, Ga. The board convened at said place on the day and hour named.

The board met in executive session and elected Floyd McGown, chairman, and appointed Ward & Paul of Washington, D. C., as the official reporter. The board then called the hearing to order.

Appearances before the board were as follows: Hugh Howell, counsel; Marshall L. Bowie, director of personnel; A. T. Miller, superintendent motive power; for the carrier.

Harold C. Heiss, counsel; W. E. Mitchell, vice president; G. N. Byrum, general chairman of the general grievance committee on the Georgia Railroad; for the Brotherhood of Locomotive Firemen and Enginemen.

C. E. Weisell, counsel; J. J. Reilly, temporary assistant grand chief engineer; J. M. Clontz, general chairman of the general committee of adjustment on the Georgia Railroad; for the Brotherhood of Locomotive Engineers.

The hearing in the above-entitled matter was closed at 10:10 a. m. January 19, 1948.

At the commencement and during the course of the hearing the emergency board proffered its mediation services to the parties.

#### BACKGROUND OF THE CASE

After prolonged negotiations between the carrier and the Brotherhood of Locomotive Firemen and Enginemen on the property dating back to 1940 and after unsuccessful efforts to mediate the matters in dispute under the auspices of the National Mediation Board, the Brotherhood of Locomotive Firemen and Enginemen spread a strike vote among the employees of the carrier on February 26, 1947. The employees in question voted in favor of a strike at that time.

Thereafter there were further unsuccessful attempts at mediation in an effort to settle the matters in dispute and eventually a strike date was set by the brotherhood for December 17, 1947.

After notice of this strike date the carrier advised the National Mediation Board that an emergency existed and requested the creation of an emergency board to investigate the dispute under the provisions of section 10 of the Railway Labor Act.

The Executive order dated December 16, 1947 creating the emergency board provided that the board's report on this dispute be sub-

mitted by January 15, 1948. The board was not convened until January 13, 1948, thus making it impossible to submit a report within the required period. The parties, therefore, agreed to an extension of time within which the board might make its report until February 4, 1948, and further agreed that their rights to take any further action would be subject to this extension and the provisions of the Railway Labor Act.

On the first hearing day the Brotherhood of Locomotive Engineers moved for leave to intervene in the proceeding. There being no objection by any of the parties the Brotherhood of Locomotive Engineers was granted leave to participate in the hearing.

#### ISSUES PRESENTED TO THE BOARD

1. Requested revision of article 21 of the locomotive firemen's agreement, as follows:

When a fireman taken off his regular run or assignment to protect other service as fireman or to protect the run or assignment of another fireman which earns him less, such fireman will receive compensation to the amount equivalent to that which is earned on his own run or assignment.

2. Requested revision of article 7 of the hostlers and hostler helpers agreement as follows:

Relief for hostlers will be taken from the yard fireman's extra board, first out fireman to be used for a period of 4 days, then if the vacancy continues, the senior applicant as provided in paragraph (e) shall be allowed to fill the vacancy until the return of the regular man, or until displaced by a senior man in the exercise of seniority.

3. Carrier's refusal to provide safe and comfortable seats with back rests on its locomotives.

4. Protest against standing established by carrier on engineers' seniority list and claim for lost time thereby for certain firemen.

5. Claim by employee for carrier's refusal to properly place him on engineers' seniority list.

#### DISCUSSION

After the statement of issues by all parties and the reception of certain preliminary testimony, the parties, at the suggestion of the board, engaged in extensive efforts to settle the matters in issue among them. On the 19th of January the parties announced that they had resolved their differences and had incorporated their understanding in an agreement thus disposing of all issues presented to the board. The Brotherhood of Locomotive Firemen and Enginemen withdrew

all claims, out of which the dispute and the emergency arose, and agreed to immediately cancel the scheduled strike.

On the basis of the settlement of all issues among the parties and the cancellation of the strike the hearing was closed.

#### RECOMMENDATION

The board recommends that the issues in dispute having been settled by agreement among the parties, the case be closed.

FLOYD MCGOWN, *Chairman.*

JOHN T. McCANN, *Member.*

EUGENE L. PADBERG, *Member.*