

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 235

AWARD NO. 2179
CASE NO. 5221

PARTIES TO DISPUTE:

UNITED TRANSPORTATION UNION
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

Statement of Claim:

"Claim of Conductor W. Pakulski, Brakemen R. D. Moore and K. R. Boor, Wisconsin Division (Milwaukee Terminal), for a day's pay at prevailing road rate, account required to perform helper's service on July 20, 1972."

FINDINGS: This Board upon the whole record and all the evidence, finds that:

The carrier and the employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

The Milwaukee Road operates, by agreement between the two railroads, over the C&NW main line between Bryn Mawr and Shermer. On the date of claim, a Milwaukee train stalled on the Deval interlocking plant. Claimants were assigned on that date to Train No. 488, operating between Adams and Proviso, and it was necessary that the interlocking be cleared in order for them to continue their trip through Deval to Proviso. When they approached Deval, they were instructed to pull the hind end of the Milwaukee train over the plant, which they did and then completed their road trip to Proviso.

The issue is whether Claimants should be paid under the More-Than-One-Class of Road Service Awards for the combination of through freight and helper service, or whether they are entitled to an additional day.


It is clear that if the stalled train had been a C&NW train, the More-Than-One-Class of Road service rules would be applicable. Claimants argue, however, that since the helper service was rendered to a foreign train, the service was outside their assignment and they are entitled to an extra day.

The helper service was performed for the purpose of enabling Claimants to continue their trip and to avoid delay to other C&NW operations - not simply to render a gratuitous benefit to the Milwaukee Road. Under those circumstances, the situation was the same as if the stalled train had been a C&NW train, and proper compensation is in accordance with the More-Than-One-Class of Service rules.

Award: Claim denied.


F. D. Tuffley, Employee Member


R. W. Schmiede, Carrier Member


H. Raymond Cluster
Neutral Member and Chairman

Chicago, Illinois
September 21, 1977