

PUBLIC LAW BOARD NO. 2859

Award No. 6

Case No. 6

Parties United Transportation Union

to and

Dispute Norfolk and Western Railway Company

Statement Claim of Engineer A. P. Prozzley dated April 28, 1980 claiming  
of one penalty day account Roundhouse Foreman spotting and  
Claim fueling Engine 1311 on dock track.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 9, 1980, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant was first out assigned to the Engineer's Extra Board. The facts supporting the claim are that on April 28, 1980, Roundhouse Foreman Roger Campbell spotted Engine No. 1311 on the Engine Dock and fueled same.

There was no hostler on duty at Rook, Pennsylvania. The hostler position and a mechanics position had been abolished on April 18, 1980.

Carrier articulates the question to be resolved as follows:

"...can a roundhouse foreman in shop territory, where no hostlers are employed, accomplish 'spotting' of an engine for fueling purposes?"

Organization advances the claim on the argument that 'spotting' and 'fueling' is work which belongs exclusively to hostlers. Carrier


contends that the roundhouse foremen are permitted to perform this minimum task.

While the Board can not agree to the sweeping inclusion of "exclusivity" of the activities complained of, it is axiomatic in this industry that non-agreement personnel can not perform the work of agreement personnel.

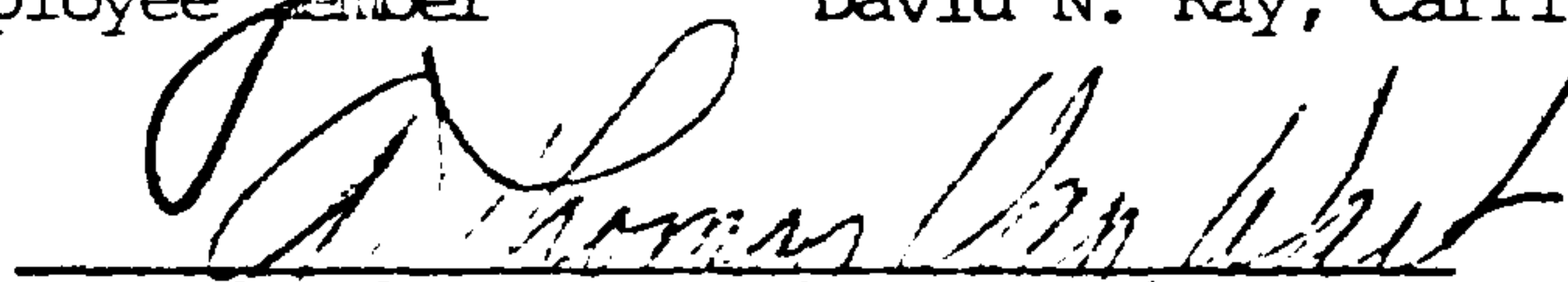
Consequently on the limited facts presented we are persuaded that the Claim compels a sustaining Award. However, that is not to say that we would reach the same conclusion on the same or similar facts on another claim. The results of this Award are confined to the particular and peculiar facts presented herein.

AWARD: Claim sustained.

ORDER: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
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T. W. Keating, Employee Member

  
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David N. Ray, Carrier Member

  
\_\_\_\_\_  
A. Thomas Van Wart, Chairman  
and Neutral Member

Issued at Salem, New Jersey, March 8, 1982.