

PUBLIC LAW BOARD 1302

PARTIES) NORFOLK AND WESTERN RAILWAY COMPANY
TO)
DISPUTE) UNITED TRANSPORTATION UNION (E)

STATEMENT OF CLAIM: Claim of Moberly Division Engineer W. R. Terrill and Fireman-Helper R. D. Birge, each for twelve (12) hours and five (5) minutes for being tied up on less than fourteen (14) hours, November 3, 1970. Time from 6:05 p.m., November 3, 1970 to 6:10 a.m., November 4, 1970.

FINDINGS: This Public Law Board No. 1302, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.


Claimants were in work train service and were instructed to perform station switching at the end of their tour of duty. The theory of the claim is that the performance of station switching converted their assignment from work train service into through-freight service. If that is so, they would have to be paid continuous time under Rule 51 for the time they were tied up.

Carrier takes the position that no conversion to through-freight service occurred, that they simply performed more than one class of road service and were properly compensated for it. However, it is not disputed that they did perform more than one class of service. There is nothing in the schedule which provides that they remain in the class of service they began their tour in, or that they revert to it at the end of the tour. It is recognized that Claimants did perform service in two distinct classes. To do so they had to switch from one class of service to the other class of service. When they began station switching, they reverted from work train service to through-freight service. They then came under the rules applicable to that service. One of the rules provides for continuous time when tied up in less than fourteen hours.

AWARD: Claim sustained.


R. L. Prange, Carrier Member


W. M. Edgett, Chairman


M. A. Ross, Organizational Member

Dated: September 2, 1977
St. Louis, Mo.