

PARTIES) UNITED TRANSPORTATION UNION
TO)
DISPUTE) vs.
FORT WORTH AND DENVER RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of Switchmen E. P. Shatford, B. B. Golden and L. D. Carpenter, for a day's pay at pro rata rate account not called and used when Assistant Superintendent allegedly assisted in yarding train No. 78 at Fort Worth, Texas, June 7, 1976.

OPINION OF THE BOARD

On June 7, 1976, Train No. 78 arrived at Fort Worth from Wichita Falls, Texas. Train No. 78 was instructed to yard in Track 10 and double any overflow to Track 12. Train No. 78 pulled down and filled Track No. 10 and found it necessary to double 28 cars on the head end to Track No. 12. There were 40 cars standing in Track 12. Assistant Superintendent, Mr. J. A. Stafford, joined this crew and helped them double over using his radio to give signals and watching and calling out car lengths of room to make sure they did not go to a joint. Claim is made for a day's pay at the pro rata rate for extra switchmen because they were not called off the extra board to perform the function attributed to the Assistant Superintendent.

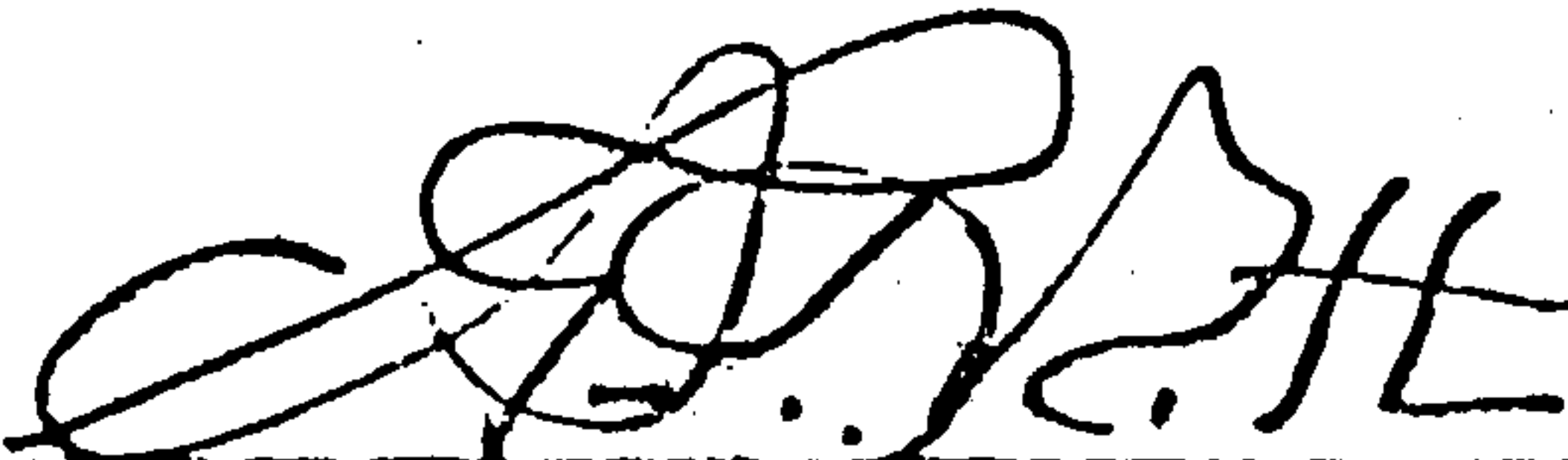
The question involved in this dispute has been settled in sustaining Award No. 3 of Special Board of Adjustment No. 516, on this property. There appear to be numerous First Division Awards that have held that persons occupying supervisory positions not covered within the limits of the Agreement governing wages and working conditions of Trainmen or Yardmen, shall not be required to do work otherwise required of Trainmen and/or Yardmen under the terms of said Agreements. See First Division Award No. 19008, Award No. 4503 of Special Adjustment Board No. 18, Award No. 248 of S.B.A. No. 574, Award No. 3 of S.B.A. No. 516 and Award No. 20 of S.B.A. No. 573.

In view of the above cited Awards, this claim will be sustained. However, this Board will sustain the claim for Claimant Shatford only for the reason that only one claimant stood for the work involved in this dispute, he being the first out. The Claim for Claimants Golden and Carpenter will be denied.

AWARD: Claim of Claimant E. P. Shatford sustained.
Claims of Claimants B. B. Golden and L. D. Carpenter
denied.

Carrier is directed to comply with this Award within
thirty (30) days from the date hereof.

Signed at Fort Worth, Texas, this 3~~0~~ day of MARCH, 1981.



GENE T. RITTER, Chairman



D. M. TISDALE,
Carrier Representative



J. A. ALFORD
Employee Representative