

PUBLIC LAW BOARD NO. 964

Case No. 472
Award No. 472

Parties to Dispute:

United Transportation Union (T)
and
Southern Railway Company

Statement of Claim:

Claim of Coastal Division Yard Helper J. McGraw for eight hours at the Car Retarder Operator rate of pay, in addition to what was allowed, account required to operate the slack retarder on the hump at periodic times during his tour of duty, Brosnan Yard, Macon, Georgia, October 16, 1980. Also similar claims as listed in General Chairman's letter of April 13, 1981 to General Manager, various claimants and specified dates during October and November 1980.

Opinion of Board:

These claims arose after Carrier, modernizing its hump yard at Macon, Georgia, furnished the hump engines pin puller (yard helper) a small radio-type communication device to close and open the slack retarder on the hump. The device resembles a conventional garage door opener and is clipped to a pocket or to the belt. Pressing the button type switch on the device transmits a radio frequency output impulse instantly received by the slack retarder circuit. One impulse closes the retarder, the second opens it. Closing the slack retarder slows the cars and causes the slack to bunch, facilitating release of the coupler pin when the yard helper lifts the cut lever.

Prior to the introduction of this radio device, the pin puller had to notify his hump foreman, who then operated the slack retarder.

We have carefully studied the record in this case and find that the assignment of this device to the pin puller is incidental to the performance of his duties. No showing of exclusiveness has been made. It is not a violation of the agreement for this work assignment to be given claimants.

Findings:

That the agreement was not violated.

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Claim denied.

Signed this *28th* day of *Feb* 1983 at Washington, D. C.

John B. Criswell

John B. Criswell, Neutral Member

C. B. Thomas

C. B. Thomas, Carrier Member

A. L. Smith

A. L. Smith, Organization Member

Carrier File: Y-2735
Org. File: S-1428