

PUBLIC LAW BOARD NO. 964

Case No. 471
Award No. 471

Parties to Dispute:

United Transportation Union (T)
and
Southern Railway Company

Statement of Claim:

Claim of Alabama Division (Mobile District) Conductor L. D. Smith and various other conductors and foremen for four hours yard rate, and for trainmen and helpers for eight hours yard rate during the period 12/2/81 through 1/3/82, account instructed to head in at Selma, Alabama, over the scale track at speed of no more than 4 MPH, head back through crossover to main line and weigh cars, then put cars away in yard tracks.

Opinion of Board:

During the latter part of 1981, Carrier installed new weigh-in motion scales at Selma Yard, Selma, Alabama at the north end of Track No. 1, a lead track into the yard. A bulletin was issued specifying that certain road trains with cars to be weighed should notify the yard office when approaching Selma and handle their trains over these scales at a reduced rate of speed. Claims were subsequently filed for various road conductors and trainmen, and yard foremen and helpers contending that the work was "bona fide yard work" and that the rights of yardmen were being "encroached" upon by the road service employees.

Upon a thorough review of the record in this case, we find that the routing of a road train over an electronic weighing scale in a yard where yard crews are employed is neither new nor novel. The following awards are on point governing this subject: First Division Award 11562, SBA 601 Awards 165 and 171, PLB 179 Award 2 and SBA 189 Award 106. We cite the findings of SBA 189, Award 106:

"Nothing in the labor agreement either exclusively reserves to yardmen the task of weighing cars or makes it an extra curricular activity for a road crew, when routed to depart from their initial terminal over the automatic scale via new scale lead track at the east end of Vancouver Yard, to weigh two cars in their train (same being already coupled and in motion) in the course of such departure."

Findings:

That the agreement was not violated.

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Award:

Claim denied.

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



John B. Criswell, Neutral Member



C. B. Thomas, Carrier Member



A. L. Smith, Organization Member

Carrier File: T-15453
Org. File: R-7561