

PUBLIC LAW BOARD NO. 2151

AWARD NO. 2

PHILADELPHIA, BETHLEHEM AND
NEW ENGLAND RAILROAD COMPANY

VS.

UNITED TRANSPORTATION UNION

STATEMENT OF CLAIM: Claim for one (1) minimum day's pay at the applicable rate for an engineer and one (1) brakeman, first out off the extra board, for the contended violation.

FINDINGS: The Carrier operates a short line terminal and switching railroad serving the Bethlehem Plant of the Bethlehem Steel Corporation.

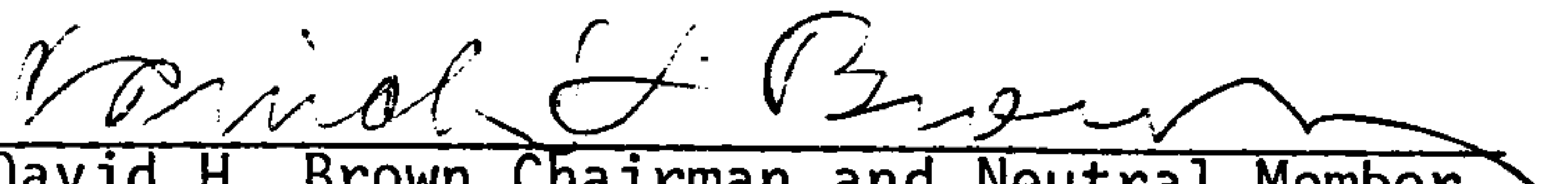
On the 7:00 AM to 3:00 PM shift on February 21, 1978, Locomotive Inspector Mertus and Machinist Woodring (both bargaining unit locomotive shop employees assigned to work at the locomotive service station) fueled, sanded, watered, inspected and repaired if necessary nine locomotives while an engineer and brakeman, working as a hostler crew, delivered and collected locomotives. At the end of the 7:00 AM to 3:00 PM shift, five unfueled locomotives were left standing on track 670 in the locomotive shop service station area. Since the temperature in the early part of the day was 14 deg. F. and did not rise significantly during the day, Carrier was concerned that these locomotives would run out of fuel, resulting in the engines stopping and ultimately freezing. In order to prevent such an occurrence, a 3:00 PM to 11:00 PM machinist, R. Fries, was sent from the locomotive repair shop to the service station to fuel the engines. In order to fuel the engines, Fries moved the five engine consist west so that the easternmost locomotive could be spotted for refueling. This resulted in the westernmost locomotive tailing out onto track 613, a running track. In order to safely accomplish this movement, Road Foreman of Engines T. Stout threw the switch to track 613 and then stood watch until Fries fueled the first locomotive and

moved the five engine consist east onto track 670. Stout then threw the switch back. The total time period involved was less than 15 minutes.

On March 7, 1978, the Union filed a claim for one day's pay for an engineer (\$66.86) and brakeman (\$64.13) first out on the extra board because Road Foreman of Engines Stout threw this switch.

This work belonged to a hostler and brakeman under Rule 34 as limited by Local Rule 7. The engineer and brakeman who were on duty from 7:00 AM to 3:00 PM on the claim date should have been held over at the premium rate to complete the necessary work. They are awarded 65 minutes at the overtime rate; we decline to sustain the claim as presented on behalf of extra employees.

AWARD: Claim sustained as reflected in Findings. Carrier shall make this award effective within 30 days from date hereof.



David H. Brown, Chairman and Neutral Member



D. S. Reimer, Carrier Member



E. F. Brehany, Organization Member

March 5, 1979