

PUBLIC LAW BOARD NO. 3572

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

STATEMENT OF CLAIM: Claim of conductor M. K. Roop and Brakeman L. C. Bowman and B. R. Bailey, December 31, 1982, for 100 miles or eight hours miscellaneous time as turned in on some claims, account of all train crews required to call crew clerk in Bluefield to report arrival and off time of crew as per instructions of Trainmaster J. E. Wimmer dated December 30, 1982. This is the only claim that will be processed; other claims will be filed as subsequent claims to RCE-33-6. Some claims will be filed as 100 mile day claims, some for eight hour miscellaneous time.

FINDINGS: This Public Law Board No. 3572 finds that the parties herein are Carrier and employees within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute, the claimants were assigned at Elmore, West Virginia, which is on the P & D District of the Pocohantas Division. Prior to October 22, 1982, the employees were called to work by a clerk at Elmore, where a crew sheet with all assignments on the district were kept. These clerks received the employees' time tickets when they put off duty and listed the crew's arrival time at the terminal and their off duty time and other information. That practice had been in effect for over 50 years at Elmore, West Virginia.

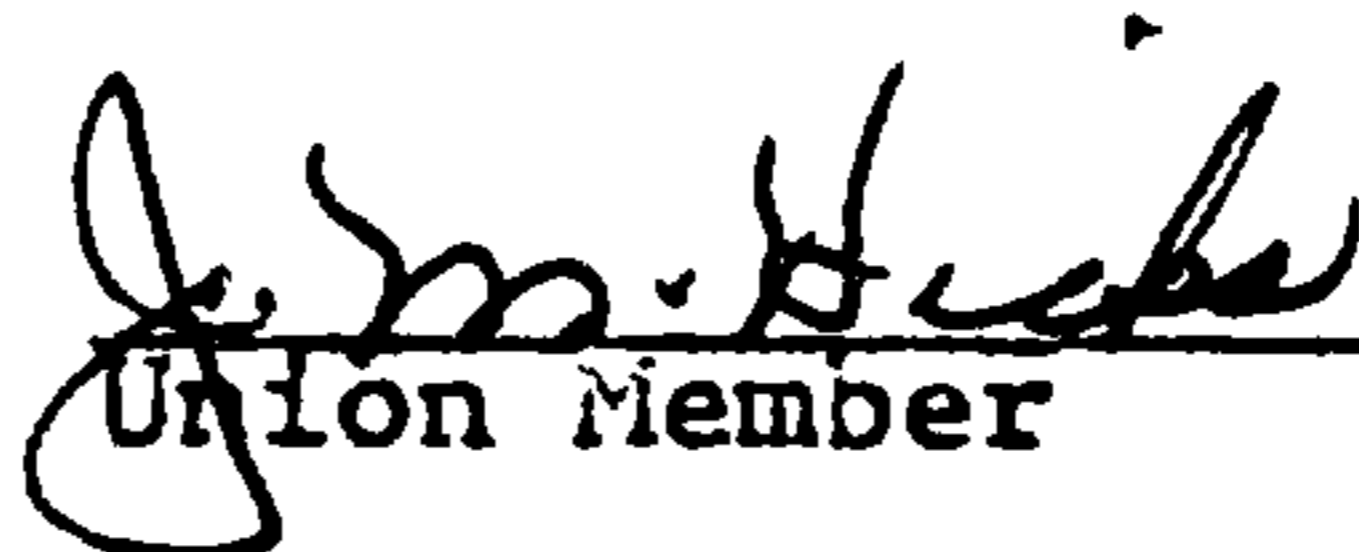
On October 22, 1982, the crew sheet and the clerk working this assignment were moved to Bluefield, West Virginia, to the Division Headquarters, 45 miles away. For 60 days there was a great deal of confusion in calling the proper crews and returning crews to their proper places in the pool. In order to resolve the confusion, a message was issued by the Carrier on December 30, 1982, which required the conductor to call Bluefield and give the clerk his arrival and off duty time. The Organization alleges that that information had been relayed by clerks for over 50 years. The Organization contends that it is clerical work and work outside the duties of the conductors. On March 18, 1984, the Carrier also posted a message requiring the engineer to also call Bluefield and furnish their off duty time.

The Board recognizes there may be a third party jurisdictional work dispute involved and that this decision has no bearing upon the "clerks." The simple use of the telephone to report their arrival time or off duty time is not work outside the scope of the

conductor's duties. The simple fact that another employee has performed that duty for several years does not in itself grant exclusive jurisdiction to that craft to perform that work. If in fact the Board of competent jurisdiction determines that work is the exclusive work of another craft, then the conductors and engineers should be barred from performing such work.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

June 29, 1984