

PUBLIC LAW BOARD NO. 2646

Award No. 10

Case No. 10
File #T643-79

Parties United Transportation Union (T)
to and
Dispute Toledo, Peoria and Western Railroad

Statement

of Claim: Claim of Conductor R. G. Pool, Brakeman S. Gorsage and J. Blickenstaff claiming 100 miles each, copying list for switching at Chemtron and Nipsco, Monticello-Doing Clerks Works.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 26, 1980, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

On May 4, 1979, Claimant crew was performing work-train service on the 4th Subdivision, Monticello, Indiana. Claimant Conductor Pool received a message to contact the agent by phone; Pool was instructed to copy numbers of three (3) cars (one flat car to be spotted Nispoo, for unloading, and two gondolas to be spotted at Chemtron Building). The flat car of poles was taken from a side track and delivered to Nipsco, the two gondolas had to be searched out from among the cars at Monticello which were on a storage track adjacent to Chemtron.

Organization argues that the copying of numbers for cars received by telephone to be removed and/or spotted to the designated industries,

and walking track to locate same, is outside the scope of conductors or brakemens duties.

In reliance thereon Organization cites TP&W Transportation Book of Rules, the section applicable to Station Agents Duties, Rule 1019, which in pertinent part reads:

"Must make daily inspection of yards, platforms, offices, buildings and surroundings and cooperate with supervisors and roadmasters in maintaining the neat and tidy appearance of same. Must see that the station platforms and walks are properly cleared of snow, ice, or dirt, and that rubbish is not allowed to accumulate about any of the buildings."

Additionally, they seek support in Station Agents Rule 1027, which, in pertinent part, reads:

"Agents must furnish conductors with switch lists; make every effort to avoid delay in the movement of cars, both loaded and empty; see that they are promptly forwarded in the proper trains."

Organization avers that the March 1, 1975 revision to the Transportation Rules which, in pertinent part, reads:

"All employees must be provided a copy of these rules. If in doubt as to their meaning, they must apply to the proper authority for an explanation. In case of doubt or uncertainty, where immediate action is necessary, the safe course must be taken. Employees will obey the rules and special instructions issued by officers of various departments when applicable to their duties. Employees whose duties are in any way affected by the Timetable and Special Instructions must have a copy of the current Timetable and Special Instructions with them while on duty."

(Emphasis ours)

Organization creatively argues that

"(1) Transportation Rule 1027 states specifically Station Agents must furnish Conductors with switch lists.

(2) That as prescribed under General Notices, the Book of Rules must be rigidly observed.

(3) That a Conductors duties have never involved the making of switch lists transmitted by telephone from the Station Agent."


This type of claim was addressed in Case No. 2, resulting in Award No. 2 which is incorporated by reference herein. The facts of the instant claim are so similar as to be indistinguishable from those therein. No rule of Claimants' agreement has been cited in support of the claim that would permit the Board to sustain the claim as made. The rules cited, by simple application of the general language offered in the March 1, 1975 revision of the Transportation Rules clearly indicate to the contra. The rules cited do not apply to Claimant's duties.

Consequently, we are impelled on this record to deny the claim.

AWARD: Claim denied.


C. Bryant, Employee Member


E. C. Franks, Carrier Member


A. Thomas Van Wart, Chairman
and Neutral Member

Issued at Salem, New Jersey, January 7, 1983.