

PUBLIC LAW BOARD NO. 2646

Award No. 12

Case No. 12  
File #T724-79

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

Statement

of Claim: Claim of Conductor D. R. Sparks claiming 100 miles basic day,  
making list of grain cars picked up from N&W at Logansport.

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.

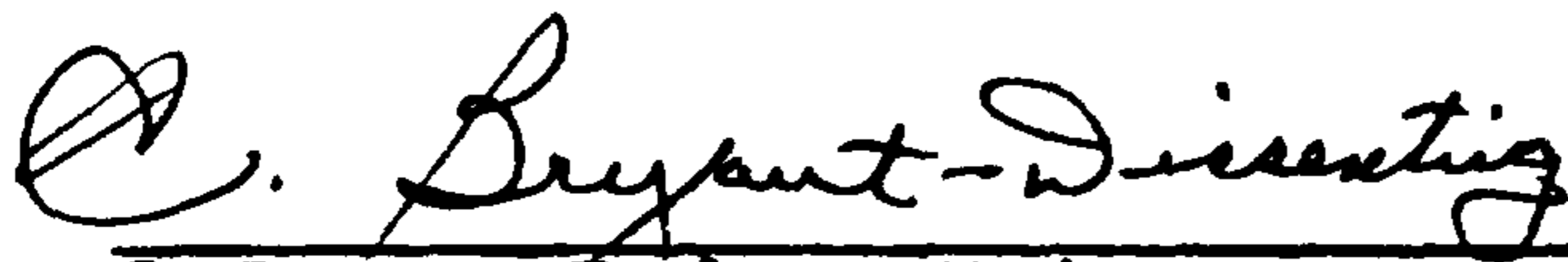
On May 15, 1979, Claimant Sparks was called for Conductor duty for grain train service from Logansport Terminal. After reporting for duty the crew received instructions to double their train at the N&W Yard at Logansport; Claimant Sparks was informed which tracks to double but did not receive a train sheet listing car numbers or bills for the cars. It was then necessary for Conductor Sparks to make a list of the cars in his train in order to make a Wheel Report (Form 521) as required by Carrier.

Organization argues that Claimant was required to perform a duty outside the scope of his assignment. Organization acknowledges that Conductors are required by bulletin to make out Wheel Reports on the designated form (Form 521) however, they argue in order to complete Form


521 at the initial terminals waybills and a list of the cars are provided. Ordinarily, they contend, Conductors are given the waybills and either a Form 521 with the car numbers written in, or a computerized sheet listing the cars in their order in the train.

No rule is cited by Organization in support of the claim to be applied to these facts which would mandate a sustaining award; neither has there been an offering of any settlements on the property or Awards from prior claims on the property arising out of like circumstances that would support the claim as made. The Board recognizes that there have been significant changes by virtue of technological advancements in the manner in which information concerning train consists are generated in this day and age. Nonetheless, there has been no showing that any agreement has been arrived at between Carrier and Organization that relieves the Conductor of his responsibility for making out a wheel report, consequently, the claim will be denied, nor does the Board have the authority to write one.

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.