

NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 4834

UNITED TRANSPORTATION UNION

and

BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 6
DOCKET NO. 24

John C. Fletcher, Chairman & Neutral Member
J. T. Reed, Organization Member
L. F. Kell, Jr., Carrier Member

Hearing Date - June 26, 1990

STATEMENT OF CLAIM:

Claim of Brakeman L. D. Wathan and J. Abrams for 1 day for service performed at Salem, Illinois on November 21, 1986

FINDINGS:

Public Law Board No. 4834, upon the whole record and all of the evidence, finds and holds that the Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

Claimants were in the process of making a pickup at the Missouri Pacific interchange at Salem Yard. After coupling onto cars on Track 9 and about to double onto Track 1 they were instructed by an MP supervisor to reset the Track 9 pickup and set out the head car as it had been placed in the Track in error. They claimed 100 miles on the basis that they were required to do switching for a foreign carrier.

Carrier contends that the work performed is expressly permitted by Article VIII of the October 31, 1985 National Agreement. We don't agree. Article VIII, Section 1, specifically deals with road crews performing work in connection with their own trains. Work connected with switching a car misplaced on an interchange track, performed under the direction of a foreign carrier supervisor, so as to effect a pick up of cars for ones own train, does not meet minimal requirements of performing work in connection with ones own train. By any measure, it is performance of switching work which is the responsibility of the delivering carrier.

The Claim will be sustained.

A W A R D

Claim sustained as provided in the Findings.

O R D E R

Carrier is ordered to comply with this Award and make any necessary payments required within thirty (30) days of the date two or more members of this Board affix their signatures hereto.



John C. Fletcher, Chairman & Neutral Member



J. T. Reed, Organization Member



L. F. Kell, Jr., Carrier Member

Dated at Mt. Prospect, IL., this 18 day of February, 1994