

PUBLIC LAW BOARD NO. 2105

JAN

LABOR

Case No 184
Award No 184

Parties to dispute

Union Pacific Railroad
and
United Transportation Union

Statement of claim

Claim of conductor P. W. Lee and crew for one yard day July 20, 1989, account required to switch a long car from a short car while yard crew was on duty

Opinion of Board

Claimants were operating a train ready to depart Hollywood Yard when it was discovered that there was a switching error, the Carrier says, which had a short car coupled to a long one. They claim this to be a safety hazard. The yardmaster instructed the crew to set out the long car before departing.

The Organization, however, says the crew was instructed by the Yardmaster to switch the long car away from the short car, and this the claimants did.

The Carrier says the Organization cites no agreement support.

The Carrier is put to the job of supporting its instruction as a movement which the crew could do under the Agreement. It cites National Agreements of 1972 which provide that the crew could, without penalty, "switch out defective cars from their own train regardless of when discovered."

They did not switch out a defective car, but, rather, corrected an error, rearranged a car, and this is not allowed under the cited provisions of the Agreement.

Findings

That the Agreement was violated

Award.

Claim sustained as outlined in Opinion of Board.

Dated this 22nd day of January, 1996, at Omaha, NE.

Carrier is directed to make this Award effective on or before 30 days from date



John B. Criswell, Neutral Member

A. M. Lankford, Organization Member



S. A. Bannister, Carrier Member