

Referee Harold M. Weston

PARTIES Railroad Yardmasters of America
TO
DISPUTE: Fort Worth Belt Railway Company

STATEMENT OF CLAIM: Claim and request of Railroad Yardmasters of America that:

Yardmaster R. R. Garrison be allowed one day's pay for August 1, 1969 and for all subsequent dates until condition complained of is corrected account Yardmaster position abolished and Yardmaster duties turned over to clerks.

OPINION OF BOARD: Carrier abolished an assistant general yardmaster position on July 31, 1969, but, according to Petitioner, the duties of that position thereafter remained in existence and were performed by the footboard yardmaster and clerks.

In support of its contention, Petitioner has submitted evidence showing that switch orders have been given to the engine foreman and footboard yardmaster by clerks on several dates in August 1969. Carrier contends that the clerks were merely transmitting information in the course of that work but there is nothing in the record that suggests that a yardmaster was on duty to originate the orders and to use the clerks for routine messenger work.

Under the circumstances of this case, we are not impressed by Carrier's statement that "Such yard supervision as is required to be performed has been assigned to the footboard yardmaster on the 3 P.M. shift".

On the basis of this record, there is no question but that non-yardmasters have been assigned to perform yardmaster functions and that work has been removed from the Yardmasters Agreement by Carrier's unilateral action.

FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employees involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing
thereon.

The parties to said dispute waived right of appearance at hearing
thereon.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

ATTEST:

E. A. Killeen

E. A. Killeen
Secretary

Dated at Chicago, Illinois, this 27th day of July, 1971.