

Referee Robert M. O'Brien

PARTIES            Railroad Yardmasters of America  
TO  
DISPUTE:           The Baltimore and Ohio Railroad Company

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

Time claim for unassigned yardmaster R. T. Johnson for September 13, 1971, 3:00 PM to 11:00 PM and all subsequent dates until the condition complained of is corrected.

OPINION           The claim arose when effective September 13, 1971 Carrier  
OF BOARD:        abolished the second trick yardmaster position at Pittsburgh Yard  
when, according to the Petitioner, yardmaster work remained to  
be performed which work is now being performed by other employes and Carrier  
officers in violation of the Yardmaster's Scope Rule. The claim involves  
essentially the same facts, contentions, and issues as were present in Award  
2960 though the claim before us involves a different shift and slightly  
different duties. For example, Petitioner has introduced numerous exhibits  
allegedly showing what yardmaster duties are now being performed by other  
employes i.e. preparation of forms 707, 2517, CF-816, CF-62 which had previously  
been prepared and turned over to the yardmaster at Pittsburgh and orders pur-  
portedly issued by T.O.F.C. Agent Schad and Agent Sturges to the yard crew.  
However, the graveman of the Petitioner's argument is the same, to wit, that  
ineligible employes are originating orders, placing them in a box for the foreman,  
and then sending a copy to the yardmaster at Glenwood, 6 miles away. Furthermore,  
that these employes are supervising and instructing the crew at Pittsburgh.

For the reasons enumerated in Award 2960 we must deny the claim. We conclude that yardmaster work at Pittsburgh is not being performed by non-yardmaster. Rather the employes are being supervised by the yardmaster at Glenwood. They report to him at Glenwood, receive orders and instructions, from him, then proceed to Pittsburgh to perform the work. No one at Pittsburgh assumes the responsibilities of a yardmaster. Thus for the reasons stated in Award 2960 we will deny the claim.

## FINDINGS:

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

The carrier and the employe 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.

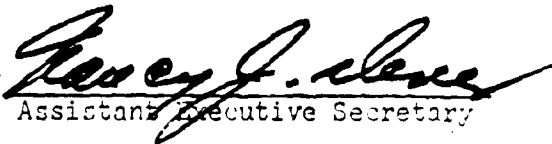
The parties to said dispute waived right of appearance at hearing thereon.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: Executive Secretary  
National Railroad Adjustment Board

By   
Assistant Executive Secretary

Dated at Chicago, Illinois, this 9th day of August, 1973.