

Referee Robert M. O'Brien

PARTIES Railroad Yardmasters of America  
TO  
DISPUTE: Penn Central Transportation Company

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

SYSTEM DOCKET NO. 392  
CHICAGO TERRITORY - CLEVELAND CASE RYA 10-71

Claim of Yardmaster S. Ferrise for a yard day for each of the following dates account instructed to equip cabin cars at Ford Yard: May 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, June 1, 2, 4, 5, 6, 7, 8, 1970.

OPINION OF BOARD: On the claim dates Yardmaster Ferrise was required to service cabin cars during his tour of duty. This, the Organization contends, is work delegated to car shop employees, not yardmasters, and when Carrier required claimant to perform it, Carrier violated the Scope Rule of the Yardmasters Agreement.

Carrier denied the claim contending that the Scope Rule in question is general in nature and merely identifies the class of employees covered by the Agreement. It does not prohibit assignment of the work in question to employees covered by the Yardmasters Agreement. Thus, Carrier maintains, the Rule was not violated when claimant was required to service the cabin cars.

This Board concludes that the work of servicing cabin cars is definitely not work belonging to the yardmaster craft. In the claim before us Carrier arbitrarily ignored craft lines and used a yardmaster to perform duties completely alien to those duties accruing to yardmasters through the application of the Yardmasters Agreement. The servicing of cabin cars is not generally recognized as yardmaster work and Carrier violated claimant's contractual rights by requiring him to perform them. And since the Agreement was violated we feel that claimant is entitled to damages as claimed.

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 waived right of appearance at hearing, but were granted privilege of appearing before the Division with Referee sitting as a member thereof, to present oral argument.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: ~~Executive~~ Secretary  
National Railroad Adjustment Board  
By *Raymond J. Dose*  
Assistant Executive Secretary

Dated at Chicago, Illinois, this 13th day of September, 1973.