

PUBLIC LAW BOARD NO. 2678

Docket No. 56  
T. 41200/302  
Case No. 34098  
Award No. 37

PARTIES TO DISPUTE:

UNITED TRANSPORTATION UNION  
GENERAL COMMITTEE OF ADJUSTMENT - C & T

and

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM:

"Claim of Yard Foreman J. F. Wheland and Yard Helpers  
W. B. Fitzgerald and R. N. Bell for 1 day at Shops,  
Ind. on October 19, 1978."

OPINION OF BOARD:

It is not disputed that on claim date a work train manned by an Indiana Subdivision crew performed work of unloading ties and crossing timbers within the confines of Shops Yard. The Claimant first out extra crew at Shops submitted the present runaround claim asserting a violation of their seniority rights on the Illinois Subdivision. The claim states in part as follows:

"Indiana Subdivision Trainmen hold no seniority rights in Shop Yards and such work was in derogation of the rights of Shops yard men."

The work at issue is expressly covered by Article 3, and the interpretations thereto, as follows:

## " ARTICLE 3

## Service to which Yardmen are Entitled.

(a) All transfer, construction, maintenance of way, and work trains doing work exclusively within the switching limits will receive not less than yardman's rate of pay.

*Interpretation of Article 3 (a)*

*When regular work trains are handled by road train crews, such crews will remain with train whether in yard limits or on road, and be paid through freight rates. A work train working jointly in the yard and on the road will be given to a road crew and paid through freight rates.*"

Review of Rules 3, 11, 55 and a huge body of precedent awards support the conclusion that Carrier properly utilized this road crew to protect work train service performed jointly on the road and in the yard.

AWARD

Claim denied.

H. D. Masters  
Employee Member

J. J. Murphy  
Carrier Member

Dana E. Eischen  
Dana E. Eischen, Chairman

Date: 6-13-83