

PUBLIC LAW BOARD NO. 2089

Award No. 56

Case No. NG-22130

Parties United Transportation Union

and

Dispute Chesapeake and Ohio Railway Company

Statement Claim of Yard Brakeman S. H. Hopkins for one day at yard rate, September 16, 1975, Charlottesville, Virginia.

Claim

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated November 21, 1977, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A piece of rail Maintenance of Way equipment (tie tamper) became disabled, on September 16, 1975, about 10:00 AM, just beyond the eastward yard limits of Charlottesville Yard, Charlottesville, Virginia. The Yardmaster at that location sent a yard crew out to chain up the disabled equipment and pull into the yard. He accompanied the crew.

According to Carrier the Yardmaster instructed the Maintenance of Way employees to push the tie tamper inside the yard limits where it could be chained to the yard engine. After this was accomplished the yard engine pulled the disabled piece of machinery into the yard.

The Employees allege that the Yardmaster gave hand signals to the yard engineer to move the machine. They made written statements to this effect.

The Yardmaster denied such allegations.

The conflict in the facts in this case are subject to resolution. The Yardmaster in his statement of November 25, 1975, wrote:

"I orally told the yard engineer, R. B. Shiflett and indicated with my hands the distance between the yard engine and the tamping machine."

The Engineer of this crew belatedly added his written statement, and asserted that he received signals from Yardmaster May.

Why the Yardmaster even accompanied the yard crew and why he found it necessary to "in his words" give advice to the Engineer as to the distance between the engine and the tamping machine is left to conjecture. The question of Yardmasters passing signals and injecting themselves into the functions of ground crews has been the source of at least two Board Awards on this property, i.e. Award 89 of SBA 276 and Award 7 of PLB 556.

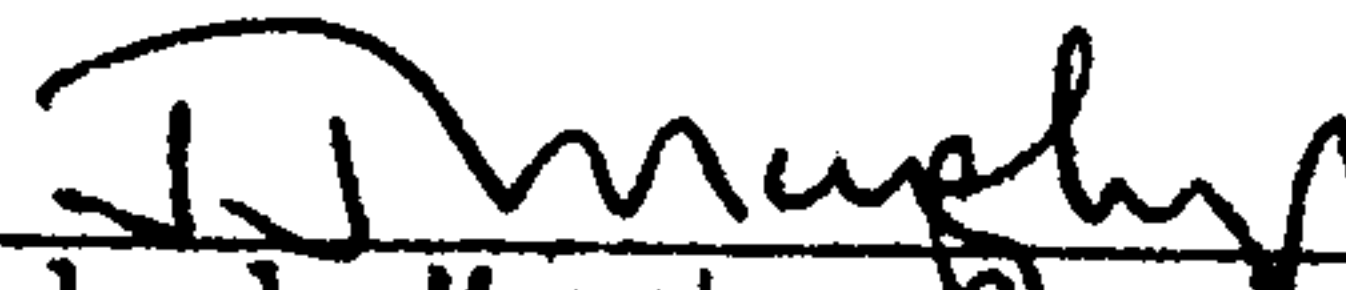
The Board concludes that the evidence tends to tilt in favor of the employees contention. Consequently, this claim will be sustained.

ard Claim sustained.

er Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.



H. R. Watts, Jr., Employee Member



J. J. Murphy, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member