

THE BALTIMORE AND OHIO RAILROAD COMPANY
Office of
VICE PRESIDENT-PERSONNEL

Baltimore, Md.
May 8, 1951.

CIRCULAR NO. 1167

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	(Northern District only)	

Referring to my Circulars 762 and 797, dated April 17 and September 11, 1945, in connection with regularly assigned yard engineers and firemen who, after completing eight hours' service on their regular assignment, are required to work less than eight hours on an assignment immediately following their regular tour of duty.

From time to time yard engineers and firemen have filed penalty wage claims under application of Circular 762 when required to perform continuous service beyond their regular eight hour tour of duty. The validity of such claims has been a matter of dispute between this Carrier and the engine service organizations.

This matter has been discussed a number of times with the committees, and in the most recent conference an agreement was reached in connection with a basis for determining the merits of claims arising under Circular 762. This determinative basis embraces the proposition that a yard engineer (or fireman, or both) cannot be held on duty beyond his regular eight hour tour of duty in those instances where he reaches his designated relieving point and the engineer (or fireman, or both) scheduled to relieve him (or them) is available and ready to perform service.

The disposition of this dispute on the above basis necessarily places the primary responsibility upon the yard supervisory officers. Consequently, they should be fully informed of the obligation to relieve these crews whenever they reach their designated relieving point at the expiration of eight hours if at all consistent with the operating conditions. It should be borne in mind that the circumstances connected with each individual case will be controlling. Failure to relieve a yard crew when it has reached the designated point at the end of the tour of duty and the succeeding crew is available for service must be fully justifiable under the facts and circumstances.

It should be understood that a crew whose tour of duty expires while working or passing within a reasonable walking distance of the designated point for going off duty will be relieved promptly if the succeeding crew is available and operating conditions permit.

Any questions which may arise under this Circular should be referred to this office.

Manager Labor Relations

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