

Award No. 425
Docket No. 434
2-CRI&P-CM-'40
CRI&G

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 6, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**THE CHICAGO, ROCK ISLAND, AND PACIFIC
RAILWAY COMPANY**

CHICAGO, ROCK ISLAND, AND GULF RAILWAY

DISPUTE: CLAIM OF EMPLOYES: That the regular assigned wrecking crew of Dalhart, Texas, be compensated the amount equal to seven (7) hours traveling, two (2) hours working at time and one-half, or a total of ten (10) regular hours, account management violating Rules 31 and 95.

EMPLOYES' STATEMENT OF FACTS: On Sunday, March 19, 1939, engine No. 5058 was derailed at Texhoma, Oklahoma. The section crew at Dalhart, Texas, was called at 2:00 A. M., and sent to Texhoma, performed the work of rerailing and returned to Dalhart at 11:00 A. M.

POSITION OF EMPLOYES: That this is a violation of Rules 31 and 95. Rule 31 is a general rule and reads, first paragraph:

"None but mechanics or apprentices regularly employed as such shall do mechanics' work as per special rules of each craft, except foremen at points where no mechanics are employed."

Rule 95 reads:

"Regularly assigned wrecking crews, including engineers and firemen will be composed of carmen and helpers, and will be paid for such service under Rule 9.

Meals and lodging will be provided by the Company while crews are on duty in wrecking service.

When needed, men of any class may be taken as additional members of wrecking crews to perform duties consistent with their classification.

"When wrecking crews are called for wrecks or derailments outside of yard limits, the regularly assigned crew will accompany the outfit. For wrecks or derailments within yard limits, sufficient members of regular crew will be called, to perform the work."

No mechanics' work was performed, and hence, there was no obligation on the carrier to use mechanics.

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

The carrier or carriers and the employe or employes 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 rerailing of Engine No. 5058 at Texhoma, Oklahoma, by its train and engine crew was not a violation of the agreement. The evidence in the instant case does not justify the claim of the employees.

AWARD

Claim of employees denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 22nd day of January, 1940.