

Award No. 1090

Docket No. 1011

2-NP-CM-'45

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Richard F. Mitchell when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 7, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

NORTHERN PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1—That under the controlling agreement, wrecking service such as was performed near Pe Ell, Washington, on June 6, 1944, is the work of a regularly assigned wrecking crew.

2—That on June 6, 1944, the carrier did not comply with the controlling agreement, and particularly Rules 30 and 99, when bridge and building employees were assigned to pick up a derailed car near Pe Ell, Washington.

3—That the carrier be ordered to additionally compensate the members of the regularly assigned wrecking crew (Messrs. Loney, Shaffer, Madsen, Voorhees, Stellnak and Walk), at Tacoma, Washington, at the time and one-half rate, from 5:00 P. M., June 6, to 1:30 A. M., June 7, 1944, 3½ hours traveling to the derailment, 1½ hours working, and 3½ hours traveling from the derailment to their home point.

EMPLOYEES STATEMENT OF FACTS: At Tacoma, Washington, the carrier maintains a wrecking outfit and a regularly assigned wrecking crew and the regular assigned hours of these wrecking crew claimants on June 6, 1944, were from 7:30 A. M. to 5:00 P. M.

On June 6, 1944, after 4:00 P. M. the carrier assigned bridge and building employees who were using a locomotive crane to load wrecked flat car NP 122368 on another car, one and one-half miles west of Pe Ell, Washington, and this car was then sent to South Tacoma shops for repairs where it was repaired for further service. The distance from Tacoma, the home point of the claimants, to the point where this wrecking service was performed is 79 miles.

The claimants were not called to perform this wrecking service, but if they had been called to do it, they would have been in service the additional time claimed, which the carrier has declined to pay.

The controlling agreement is dated effective November 16, 1935.

CARRIER'S STATEMENT OF FACTS: On October 17, 1943, log flat NP 122368, loaded with logs, was derailed near Pe Ell, Washington. Pe Ell is located 80 miles from Tacoma. The logs on this car were unloaded on the right of way and the car was tipped over clear of the track by the train crew

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.

In a recent award, this Division was confronted with a similar question. We quote from Award 878, Judge Rudolph as referee:

"Rule 98 provides that, in addition to other designated work, carmen's work shall consist of, 'all other work generally recognized as carmen's work.' There is inherent in the work of a wrecking crew certain work generally recognized as carmen's work. This is acknowledged in the requirement that wrecking crews will be composed of carmen, contained in Rule 101. This fact was also acknowledged by this Division in its Award 424. Under the record as presented we believe the work here involved must be held to be work generally recognized as carmen's work when composing a wrecking crew, unless it amounted to simply cleaning up scrap and debris following a wreck, as contended by the carrier."

The above award is controlling in this case.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling,
Secretary

Dated at Chicago, Illinois, this 21st day of June, 1945.