

**Award No. 2213**

**Docket No. 2003**

**2-CRI&P-CM-'56**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

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

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L. (Carmen)**

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier's failure to call the full regularly assigned wrecking crew to accompany the Cedar Rapids, Iowa wrecking outfit and the wrecker engineer and lead carman on October 7, 1954 to perform rerailling service in the Milwaukee Railroad yards was improper under the current agreement.

2. That accordingly, the Carrier be ordered to additionally compensate the regularly assigned crew in the amount of four and one-half (4½) hours each, the amount they would have earned if called to accompany the outfit.

**EMPLOYEES' STATEMENT OF FACTS:** The carrier maintains a repair shop at Cedar Rapids, Iowa where both freight and passenger cars are repaired. At this shop approximately 40 carmen are employed. The assigned hours of employes working at this shop are 7:30 A. M. to 12 Noon, 1:30 P. M. to 4:00 P. M. The carrier maintains a wrecking outfit with a regular assigned crew. The carmen regularly assigned to wrecking service on October 7, 1954, were as follows:

Edward W. Ballou  
Joe Motely  
Steve A. Musel  
Carl B. Ruble

John Pries  
George Kirk  
Frank M. Kindl  
Frank P. Stoklasa.

On October 7, 1954, the Cedar Rapids wrecking outfit, accompanied by Wrecker Engineer Joe Motely and Lead Carman John Pries, were ordered to the Milwaukee Railroad train yards to reraill some cars derailed on that property. The wrecking outfit was ordered at 3:30 P. M., and two members of the regular assigned crew were called to accompany the outfit, arriving at the Milwaukee yards at 4:30 P. M., completed rerailling the cars at 7:00

No part of the agreement which pertains to the work of carmen, or wrecking service was violated in the case which gave rise to the instant dispute. For that reason, the claim has been declined and should be denied by your Board.

**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 waived right of appearance at hearing thereon.

Claimants are the regularly assigned crew, except the engineer and lead carman, of carrier's wrecking outfit at Cedar Rapids, Iowa. On October 7, 1954, the wrecking outfit was ordered to the Milwaukee Railroad train yards to rerail some derailed cars on that property. The carman engineer and lead carman accompanied the outfit and were used to aid Milwaukee Road carmen to perform the work. The remaining carmen regularly assigned to the wrecker outfit claim they should have been used under Rule 114, current agreement, which in part provides:

“When wrecking crews are called for wrecks or derailments outside of the yard limits, the regularly assigned crew will accompany the outfit. \* \* \*.”

The foregoing rule has application to wrecks and derailments on carrier's property. In this case the wrecking crew was not called for such work. The wrecker was in effect loaned to the Milwaukee Road for rerailing work on its property. It is not work which these claimants had any contractual right to perform under the circumstances here shown. The fact that the engineer and lead carman were used by the Milwaukee Road cannot have the effect of increasing claimants' contractual rights with their employing carrier. No basis exists for an affirmative award.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 6th day of August, 1956.