

**Award No. 2516**

**Docket No. 2380**

**2-GN-CM-'57**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYES'  
DEPARTMENT A. F. of L. (Carmen)**

**GREAT NORTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the current Agreement other than employees of the Carmen's Craft were improperly used to reraill Idler Car No. X2566 in the yards of the St. Cloud Car Shop on June 6, 1955.

2. That, accordingly, the Carrier be ordered to additionally compensate Carmen John Wittkowski and Paul Bible for 4 hours each and Derrick Engineer Dan Griggs 6 hours at the applicable straight time rate of pay.

**EMPLOYEES' STATEMENT OF FACTS:** The carrier maintains at St. Cloud, Minnesota in the car department a force of carmen on the car repair track and the train yard. A wrecking derrick is also maintained.

The hereinbefore named carmen and derrick engineer, hereinafter referred to as the claimants, are regularly employed at St. Cloud, Minnesota, and were available to perform this wrecking service on June 6, 1955.

On June 6, 1955, Great Northern Idler Car No. X2566 was derailed in the yard limits of St. Cloud Car Shops, St. Cloud, Minnesota. Idler Car No. X2566 was being used in connection with Crane No. X1855 which is assigned to the Stores Department. Crane No. X1855 was being operated with Stores Department employees. Stores Department employees were used to reraill Idler Car No. X2566 and in so doing they used Crane No. X1855 to lift the trucks of Idler Car No. X2566 back upon the rail.

This dispute has been handled with all carrier officials designated to handle such disputes up to and including the highest designated officer of the carrier, all of whom have declined to make satisfactory settlement.

The agreement effective September 1, 1949 as subsequently amended, is controlling.

In this respect, consider also Award No. 1482. There it was held:

"It is only when a wrecker is required that all wrecking work is assigned to carmen. If the wrecker is called to wrecks or derailments outside of yard limits, the regularly assigned crew will accompany it. But if it is within yard limits, then only as many members of the wrecking crew as are necessary will be called for the work. Consequently, when a derailment occurs outside of yard limits as here, and the services of the wrecker are not required, the wrecking crew (carmen) do not have the exclusive right to perform the work. We are in accord with the Carrier's position, supported by long practice as shown by the record, that the rerailling of locomotives and cars is not the exclusive work of carmen when a wrecker is not called or needed. Award 1322."

In the present case, no members of any wrecking crew were "necessary." There is nothing in Rule 88, nor in any other rule, which compels the use of carmen in situations where carmen are not necessary.

This claim is entirely without merit and it should be denied.

**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.

Award 1760 (Carter) Great Northern-Carmen is cited by both parties as being a precedent for our consideration herein. In that case a hostler had derailed an engine in such fashion that additional help was required and was supplied by mechanics and helper who were used to reraill it. Carmen were not called and subsequently were allowed pay for a violation of Rule 88.

The present case is parallel in all factual respects, save one. Here the "Stores Department employes were used to reraill Idler car . . . and in so doing used (Stores Department) crane" which had been in service with the Idler car. It is thus evident that the Stores Department employes did not need additional help, which would have required calling carmen.

Award 1760 demands a denial award herein.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 21st day of June, 1957.