

Award No. 2784

Docket No. 2474

2-GN-MA-'58

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.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement other than Machinists and Machinist Helpers were improperly used to perform machinist craft work on Locomotive No. 231 at Wolf Point, Montana, on October 4, 1955.

2. That accordingly the Carrier be ordered to additionally compensate Machinist Einar Wickstrom and Machinist Helper Thomas Byrnes each in the amount of twenty-three and one-half (23½) hours' pay at the applicable rate of pay.

EMPLOYEES' STATEMENT OF FACTS: On October 4, 1955, during the morning, Great Northern locomotive No. 231 was derailed at Wolf Point, Montana. The need for wrecker service became apparent to those present at the scene, and call for a wrecker was sent to Williston, North Dakota on that day. The wrecking crew was called for service and the wrecker was made ready to leave and did leave, arriving at Wolf Point and, among other things, removed the journal box equalizers and springs, straightened the equalizers, and replaced all of these parts that had been removed. It was apparent to anyone who observed the derailed engine that machinist work had to be performed which is supported by statement of wrecking crew submitted herewith as Exhibit A.

The dispute was handled with carrier officials designated to handle such affairs, who all declined to adjust the matter.

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

“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 classifications.”

In the case now before your Board this Rule was complied with in full. The regularly assigned wrecking crew at Williston accompanied the derrick.

It will be noted that the last paragraph of the rule, which provides for additional members of wrecking crews to accompany such crews to perform duties consistent with their classifications, is entirely permissive in its nature and in line with the above cited awards of your Board. Machinists are taken only when a report of the derailment indicates some need for their services. There was no indication in the report to the dispatcher in this instance of the need for machinists.

The carrier, therefore, submits that in view of the circumstances in this case as related to the clear-cut awards of your Board in previous identical case, it is incumbent upon you to deny this claim.

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 employes 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 this docket the carrier asserts that although Diesel 231 was derailed, the management was in complete ignorance of any damage to the engine until after it was raised by the derrick. The notification furnished the dispatchers is not set out in detail although it is stated that “the engine crew made no report of any damage whatever to the locomotive”. It seems unlikely that one inquired as to how badly the Diesel was involved or what damage it may have suffered, particularly when it is noted that the equipment had buried itself beyond the equalizer.

Rule 54, depended upon by the employes, states “Work at Wrecks. In case of wrecks where engines are disabled, machinist and helper, if necessary, shall accompany the wrecker”.

Awards 1456 and 1864 were decided on the basis of what the carrier could be reasonably expected or shown to have known concerning the need for machinists or that their services would be required.

We are of the opinion that the situation confronting the carrier in this case was one where the need for a machinist could reasonably have been anticipated. The failure to ascertain the facts cannot be depended upon to excuse the carrier for not having “where engines are disabled, a machinist and helper if necessary (to) * * * accompany the wrecker”.

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AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February, 1958.