

Award No. 4763
Docket No. 4594
2-NYNH&H-CM-'65

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION No. 17, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. - C. I. O. (Carmen)

THE NEW YORK, NEW HAVEN AND
HARTFORD RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That the New York, New Haven & Hartford Railroad Company violated the terms of the current agreement when they failed to call the regularly assigned crew to accompany the South Boston Passenger Car Yard Wrecking outfit for wrecking service to Framingham, Massachusetts, on Friday, March 19, 1962.

2. That accordingly the New York, New Haven & Hartford Railroad Company be ordered to call the regularly assigned crew to accompany the outfit when wrecking outfits are called for wrecking service outside of yard limits.

EMPLOYES' STATEMENT OF FACTS: The New York, New Haven & Hartford Railroad Company, hereinafter referred to as the carrier, maintains a wrecking outfit, with a regularly assigned crew of fifteen (15) carmen, 1 derrick engineer and a wreckmaster, at its South Boston Passenger Car Yard facility, South Boston, Massachusetts. On Monday, March 19, 1962 three freight cars, PLE 35086, GATX 73448 and ATSF 12707, were derailed in the Framingham, Massachusetts, Car Department, freight yards.

The wrecking outfit, from the South Boston Passenger Car Yard, with a crew of ten (10) carmen, derrick engineer and wreckmaster, to accompany the outfit were dispatched to Framingham at 8:30 A. M., completed their re-railing duties and were released at their home terminal at 3:45 P. M., Monday, March 19, 1962.

The following regularly assigned members of the South Boston wrecking outfit were not called to accompany the outfit on this assignment:

NAME	POSITION	HOURS	REST DAYS
P. Kelly	Car Insp.	8 A. M. to 4 P. M.	Wed. & Thurs.
E. Maguire	Carman	" "	Sun. & Sat.
W. Lessard	"	" "	" "
A. Ferriera	"	" "	" "

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.

Parties to said dispute waived right of appearance at hearing thereon.

Rule 111 of this Agreement provides that:

"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 carmen will be called to perform the work."

But the rule is qualified as follows:

"This rule is agreed to with the understanding that the regularly assigned crew will accompany the wrecker when sent outside of yard limits for the purpose of clearing main line wrecks or derailments but that the use of regular outfit for retruckng and miscellaneous purposes other than clearing wrecks may be accomplished with less than the regularly assigned crew and full equipment as long as there is no interference with the main line operations."

The Boston wrecking outfit was called out with a portion of the regularly assigned crew.

This Claim involves a three car derailment in the Framingham Yards, and not a main line wreck or derailment.

Since the full crew requirement was adopted with the express understanding that it would apply only to "main line wrecks or derailments," we cannot apply it to the circumstances of this case.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1965.

Keenan Printing Co., Chicago, Ill.

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