

Award No. 4764
Docket No. 4647
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 EMPLOYEES'
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 and Hartford Railroad Company violated the terms of the current agreement when they failed to call the regularly assigned crew to accompany the New Haven, Connecticut, wrecking outfit for wrecking service to Hartford, Connecticut, on Thursday, September 20, 1962.

2. Accordingly the New York, New Haven and Hartford Railroad Company be ordered to compensate the following named regularly assigned members of the New Haven, Conn., wrecking outfit as follows:

K. Sennett } One (1) hour and 45 min. @ time and one-half
J. Prete }

E. P. Hunt } Nine (9) hrs. & 45 min. @ time and one-half
J. J. Granfield }

EMPLOYEES' STATEMENT OF FACTS: The New York, New Haven and Hartford Railroad Company, hereinafter referred to as the carrier, maintains a wrecking outfit at its New Haven, Connecticut, car yard facility, where it employs the following named employes, hereinafter referred to as the claimants, as carmen and/or car inspectors and who are regularly assigned members of the New Haven, Conn., wrecking outfit, with hours of:

E. P. Hunt — 11:00 P. M. to 7:00 A. M. — Mon. to Fri. — Sun.
& Sat., Rest days

K. Sennett — 7:00 A. M. to 3:00 P. M. — Sun. to Thur. — Fri.
& Sat., Rest days

J. Prete — 7:00 A. M. to 3:00 P. M. — Mon. to Fri. — Sun. &
Sat., Rest days

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.

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

This Claim involves a derailment of four cars within Hartford Yard, and not a main line wreck or derailment.

Since the full crew requirement of Rule 111 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.