

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (System Federation No. 21, Railway Employees'
(Department, A.F. of L. - C.I.O. - Carmen
(
(Southern Railway Company .

Dispute: Claim of Employees:

- 1. That under the current Agreement, the Carrier improperly relieved Carmen A. J. Deese, F. H. Moore, W. P. Ellum, J. Y. Sifford and A. N. Misenheimer, regular assigned wrecking crew members at Spencer, N. C. from 11:30 P.M., May 5, 1974 to 5:30 A.M. May 6, 1974 after completing wrecking assignment at Charlotte, N. C. and waiting to depart for a second assignment at Belmont, N. C.
- 2. That accordingly, the Carrier be ordered to additionally compensate the afore-named Carmen for six (6) hours each at the rate of time and one half for time waiting between assignment from 11:30 P.M., May 5, 1974 to 5:30 A.M., May 6, 1974.

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 were given due notice of hearing thereon.

At 6:00 P.M. on May 5, 1974, the Spencer derrick crew was called for a derailment at Charlotte, N. C., approximately 42 miles south of Spencer. Before leaving for Charlotte, the crew was notified that there was another derailment at Belmont, N. C., a point 15 miles south of Charlotte. The crew completed the derailment service at Charlotte at 10:45 P.M. on May 5, 1974, and then secured and put the derrick in a pass track to await movement to Belmont. The derrick crew was then sent to a Charlotte motel and their pay was stopped at 11:30 P.M. At this point the derrick crew had been on duty for a total period of five and a half hours. No additional wrecking service duties remained to be performed in connection with the Charlotte derailment when the crew was

sent to the motel the evening of May 5, 1974. The crew was called, and their pay started at 5:30 A.M. on May 6, 1974, in connection with wrecking service duties concerning the Belmont, N. C., derailment. The crew completed service on the Belmont derailment and returned to their home station at 4:15 P.M. on May 6, 1974.

The issue before this Board is whether or not the six-hour period that Claimants spent at the Charlotte motel as directed by the Carrier, 11:30 P.M., May 5 to 5:30 A.M., May 6, constituted "time working, waiting or traveling" to be paid for under Rule 10 as contended by Claimants, or constituted "relief time not paid for" under Rule 10, as contended by the Carrier.

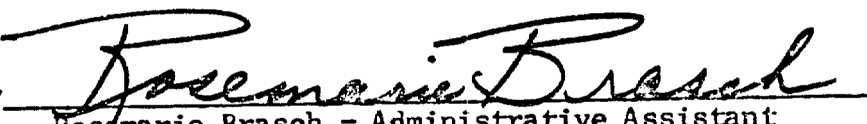
We find that the six hour period in question was "waiting" time. The facts of record show that the Claimants had completed all wrecking service duties at Charlotte. There is no showing in the record that the crew was in need of rest. They had performed just five and one-half hours of total service, including travel time, at the time the Carrier required the six-hour rest period in Charlotte. We conclude that the Crew was held in Charlotte for the convenience of the Carrier in connection with the impending work at Belmont, N. C., rather than for a bona fide rest period. We shall sustain the claim.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 12th day of December, 1975.