

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 3 (59), Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Louisiana and Arkansas Railway Company

Dispute: Claim of Employees:

1. That the Carrier's use of other than Carmen (outside contractor) to tie down and inspect wrecked cars at Mansfield, La., March 26, 1974, was improper under the controlling agreement.
2. That, accordingly, the Carrier be ordered to compensate the following seven (7) Carmen employed at Deramus Yard, Shreveport, La., eight and one-half ($8\frac{1}{2}$) hours each at pro rata rate:

R. P. Tyler
J. M. Downs
W. W. Walker
G. Lazarus

P. H. Merritt
J. L. McCann
J. E. Glaze

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

At or about 3:00 AM, on February 23, 1974 five cars in one of Carrier's freight trains became derailed at Mile Post 590 which is outside yard limits where Carmen are employed. Three of the five cars were overturned.

The two derailed cars were rerailed, and after removing the contents, the three overturned cars were loaded on flat cars and secured for shipment to owning Carrier. There is no evidence that inspection of the cars was involved.

The stated work was performed by an outside Contractor and his employees which give rise to this dispute.

Based on previous Awards of this Division we hold that loading and securing the wrecked cars for transportation purposes under circumstances which here prevail is a continuation of the wrecking process. Second Division Award No. 6259 covers a dispute between the same parties and holds that wrecking service outside yard limits on this property is not exclusively contracted to Carmen.

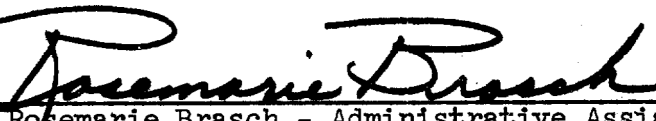
A W A R D

Claim denied.

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 29th day of October, 1976.