

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

Parties to Dispute: (Brotherhood Railway Carmen of the
(United States and Canada
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated terms of the controlling agreement when on March 14, 1977, they used other than Carmen to rerail S.C.L. Engine 1520 on Track 11, Waycross, Georgia, Enginehouse.
2. That accordingly the Seaboard Coast Line Railroad Company be ordered to compensate Carmen R. G. Norwood and L. E. Thrift, three (3) hours each at overtime rate due to their being available and first out for this work and not being used.

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 employees 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.

In this dispute, the Firemen & Oilers Organization, a possible Third Party at interest, was notified but declined to intervene.

The rear truck of an engine dropped into the transfer table pit at the Waycross air brake shop at 10:30 P.M., March 13, 1977. Beginning at approximately 7 A.M. the following morning, the Carrier assigned Enginehouse forces to use jacks and blocks to rerail the unit. Carmen were later assigned to assist in completing the work.

The Organization claims that the crew should have been initially assigned to perform the work, based in particular on Rule 103 (c), which reads in full as follows:

"(c) Within yard limits, when the wrecker is used, the necessary number of members of the wrecking crew will be called to perform the work. For wrecks or derailments within yard limits, sufficient

"carmen will be called to perform the work."

Argument as to whether Carmen have exclusive jurisdiction of all rerailing work is not the pertinent issue here. As to the specific circumstances -- "within yard limits"-- Rule 103 (c) is clear and unambiguous, directing the calling of Carmen for such work. (Other portions of Rule 103 are concerned with such work outside of yard limits.)

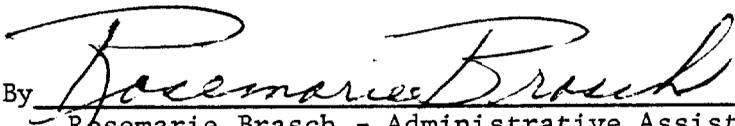
Award No. 8612 (McMurray), concerning the same parties, the same rule, and virtually the same circumstances, found the Organization's position correct. That Award in turn referred to Award No. 7607 (Lieberman), also involving the same parties and the same rule. The Board finds no basis to arrive at a different conclusion from that in the two cited awards.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1982.