

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
and Canada
(Burlington Northern Railroad Company

Dispute: Claim of Employees:

1. That the Burlington Northern, Inc. violated the terms of the controlling Agreement, specifically Rule 7, when they declined to pay the punitive rate for wrecking service at Cassville, Wisconsin on March 25, 1980.
2. That accordingly, the Burlington Northern, Inc. be ordered to additionally compensate Carmen D. A. Shawley and W. K. Knight in the amount of 2.7 hours each at the pro-rata rate, which represents the difference between the punitive rate that they should have been compensated at and the straight time rate that the Carrier allowed on March 25, 1980.

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.

This claim arises over work performed by Claimants in conjunction with repairs to a broken train line, such work coming on a car several days after a rerailment of a wreck had occurred, including the car in question. The Organization attempts to apply Rule 7 - Emergency Roadwork (c) which governs the rate of pay for wrecking service employees while performing work attendant to derailment/rerailment activities.

We find no basis to conclude the work of the Claimants in this case was covered by such Rule; essentially we adopt the Carrier's rationale that the Claimants were engaged in normal duties of the craft. The fact that the broken line may have resulted from the derailment does not make it work of a wrecking crew per se. The record is clear enough that, in this case, this specific item of work was not compensable under this Rule.

A W A R D

Claim denied.

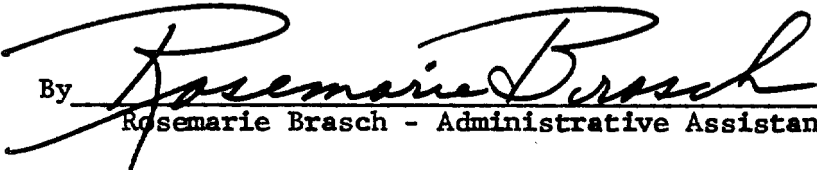
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Award No. 9423
Docket No. 9423
2-BN-CM-'83

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 March, 1983.