

The Second Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada
Parties to Dispute: (
(Maine Central Railroad Company
(Portland Terminal Company

Dispute: Claim of Employees:

1. That the Maine Central Railroad Company and its subsidiary, the Portland Terminal Company (hereinafter referred to as the Carrier) violated the provisions of the current Agreement, namely Rules 96, 97 and letter of Agreement dated May 9, 1980, at the scene of a derailment at Oakland, Maine, on February 10, 1983.

2. That accordingly, the Carrier be ordered to additionally compensate the regularly assigned wrecking crew members headquartered at Rigby; namely Carmen: R. E. Palmer, G. H. Colton; H. A. Sampson; W. F. Harrigan; G. W. Rounds; D. R. Andrews; R. E. Downs; M. J. Brown; and D. E. Amsden, eight (8) hours at the carmen's pro rata rate of pay and three (3) hours and thirty (30) minutes at the Carmen's time and one-half rate pay on account of violation.

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 employees 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 facts and issue herein are essentially the same as in Second Division Award No. 11026. On February 10, 1983, the Carrier used the Rigby wrecking outfit at a freight train derailment site at Oakland, Maine; however, without using the Claimants who are wrecking crew members headquartered at the Rigby Yard. Instead, the Carrier staffed the Rigby outfit with Carmen from its Waterville Yard. The Waterville crew working on that date worked from 7 A.M. to 6 P.M.

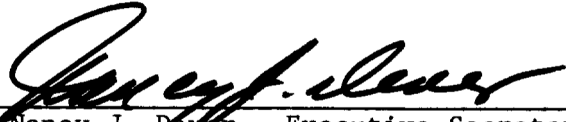
The reasons set forth in Second Division Award No. 10745 are equally applicable to this Claim to wit: the Claim is sustained and Claimants shall be paid the difference between what they earned, if anything, on February 10, 1983, and what they would have earned on that date if they had accompanied and worked on the Rigby wrecking outfit at Oakland, Maine on that date, performed the work at that location and accompanied the wrecking outfit back to Rigby, including any contractually provided travel allowances.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 8th day of February 1986.