

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12483  
Docket No. 12089  
92-2-90-2-190

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood Railway Carmen/ Division of TCU  
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PARTIES TO DISPUTE: (Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM:

1. That the Elgin, Joliet and Eastern Railway Company violated the current working Agreement, when they did not call Carman J. Leigh out on overtime for wrecking service outside of Yard Kirk Limits.

2. That the Elgin, Joliet and Eastern Railway Company be ordered to compensate Carman J. Leigh (hereinafter referred to as Claimant) who was available qualified, and willing to perform the work, for two hours and forty minutes (2:40) at punitive rate of pay as required by Rule 50 and 97, of the current working Agreement.

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 employes 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 involves an allegation that Claimant should have been called for wrecking service on June 17, 1989. The facts of record establish that when the engine rerailling incident triggering the Claim occurred, Carrier dispatched the wreck truck and two Carmen to the site and the engine was rerailed. The third regular member of the mobile crane/wreck truck crew had reported off duty that date because of illness and his job was blanked. The Carrier contends that blanking positions in such circumstances is in accord with a local Agreement.

The Organization has not demonstrated that the existing practice was not followed in this matter. Moreover, it has not demonstrated that work subject to its Agreement was performed by strangers to the Agreement. Additionally, there is no showing that the two regular members of the mobile crane/wreck truck crew that were sent to the scene needed additional Carmen help in completing the task of getting the engine back on track. This Claim is without merit.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 18th day of November 1992.