

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12600
Docket No. 12469-T
93-2-91-2-274

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company)

STATEMENT OF CLAIM:

- "1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter 'carrier') violated the controlling Shop Crafts Agreement, specifically Rule 158, by utilizing members of the train crew to perform the duties and work of the Carman craft on May 20, 1990, when members of the craft were available, willing and qualified to perform that work.
2. That accordingly, the Chesapeake & Ohio Railroad Company (CSX Transportation) be ordered to additionally compensate Carman Keith Ison and Carman Cecil Woods in the amount of two (2) hours and forty (40) minutes call each at carman time and one-half hourly rate of pay for the violation on May 20, 1990."

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.

As Third Party in Interest, the United Transportation Union was advised of the pendency of this dispute, but did not file a Submission with the Board.

The Organization is alleging that its Agreement was violated when a caboose was rerailed on May 20, 1990, in the Big Four Yard, Russell, Kentucky. The facts involved indicate that the train crew assigned to this caboose used wooden blocks and their locomotive to pull the caboose back upon the rail. This Board has held many times that it is not an Agreement violation when a train crew performs simple rerailing of locomotives, cars or cabooses in their own trains without additional assistance. For example in Second Division Award 8650, we held that "rerailing without the use of special equipment is not exclusively Carman's work." The Organization has not demonstrated that the Agreement was violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 27th day of October 1993.