

Award No. 1991
Docket No. 1904
2-GM&O-CM-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David R. Douglass when the award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 29, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)

GULF, MOBILE AND OHIO RAILROAD COMPANY
(Southern Region)

DISPUTE: CLAIM OF EMPLOYEES: 1. That the Claimants should have accompanied the wrecking outfit when it left Louisville, Mississippi at 9:00 A. M. June 21, 1954 to a derailment at Monticello, Mississippi. And that W. A. Garrigues be additionally compensated \$53.38, M. F. Whites, \$53.38, E. L. Miles, \$49.62, W. Avant, \$46.63.

2. That W. S. Dodd was improperly relieved without pay from 9:00 P. M., June 21, 1954, to 7:00 A. M., June 22, 1954. That he was improperly relieved without pay from 7:00 P. M., June 22, 1954, to 7:00 A. M., June 23, 1954. That he was improperly relieved without pay from 7:30 P. M., June 23, 1954, to 7:00 A. M., June 24, 1954, and that he be additionally compensated \$123.07.

3. That L. Smith should have accompanied the wrecking outfit when it left Louisville, Mississippi at 9:00 A. M. to a derailment at Monticello, Mississippi, on June 21, 1954.

That L. Smith was improperly relieved without pay from 7:00 P. M., June 22, 1954 to 7:00 A. M., June 23, 1954. That he was improperly relieved without pay from 7:30 P. M., June 23, 1954, to 7:00 A. M., June 24, 1954, and that he be additionally compensated \$121.31.

EMPLOYEES' STATEMENT OF FACTS: At Louisville, Mississippi, the carrier maintains a wrecking outfit. The assigned crew is composed of the following carmen and helpers:

"W. S. Dodd, Engineer, assigned hours, 7:00 A. M. to 3:30 P. M., 30 minutes lunch, Monday to Friday inclusive. Rate of pay, \$1.977 hr.

W. A. Garrigues, Carman, assigned hours, 7:00 A. M. to 3:30 P. M., 30 minutes lunch, Monday to Friday inclusive. Rate of pay, \$1.977 hr.

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.

The parties to said dispute were given due notice of hearing thereon.

The evidence of record indicates that the work performed by the claimants was wrecking service and that they should have accompanied the outfit in accordance with the provisions of the third paragraph of Rule 509. Thus, part 1 of the claim is valid.

Part 2 of the claim is without merit. Rule 10 applies to wrecking service employes insofar as pay is concerned, except that such employes are entitled to pay at the time and one-half rate under certain conditions. The pertinent part of Rule 10 is that which permits the carrier to relieve a man from duty and permit him to go to bed for five (5) or more hours. Such relief time is not to be paid for.

The first paragraph of part 3 of the claim should be disposed of on the same basis as was Part 1, inasmuch as Claimant Smith should have accompanied the outfit. Rule 509.

Part 3 paragraph 2 of the claim is invalid for the same reason given in disposing of Part 2.

AWARD

Claim disposed of in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 6th day of October, 1955.