

Award No. 3698
Docket No. 3731
2-P&LE-TWUOA-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

**TRANSPORT WORKERS UNION OF AMERICA,
A. F. of L.—C. I. O. (Railroad Division)**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY AND
THE LAKE ERIE AND EASTERN RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYES:

On April 11, 1959 section men were called out at 5:30 A. M. to assist in rerailling car P-37895 which was derailed at the Y. S. & T. Company Coke Works. It took until 11:30 A. M. to reraill this car.

The organization feels that since we do have a wreck crew at this point that the rerailling belongs to the wreckcrew which is composed of carmen.

Since section men were used instead of carmen to do the rerailling, the organization requests that T. Rodgers, N. Costello, M. Macella, J. H. Theil, A. W. Joseph and A. Rasil, carmen, be compensated six (6) hours at the premium rate of pay. Also A. Dutko, J. Hvizdak and R. Thomas two and one-half (2½) hours at the premium rate of pay.

EMPLOYES' STATEMENT OF FACTS: This case arose at Youngstown, Ohio and is known as Case Y-126.

Neither the master mechanic-car nor the director of personnel deny that the section men did help in the rerailling of the car.

The carrier does have a wreckcrew at this point and the wreckcrew is composed of carmen as required by the agreement. This crew is required by the carrier to be on standby time twenty-four (24) hours a day to take care of any derailments or wrecks that may occur on the property of the carrier.

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 were given due notice of hearing thereon.

Local or yard forces were able to rerail the car, which had been derailed within yard limits. It was therefore unnecessary to call carmen for the purpose, under Rule 27(c). There was no violation of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1961.