

Award No. 4542
Docket No. 4353
2-CRI&P-CM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph M. McDonald when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Carmen)

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: (1) That under the controlling agreement the Carrier improperly augmented the wrecking crew with other than Carmen to perform Carmens' work at Beech, Iowa, on November 21, 22nd, and 24th, 1961.

(2) That accordingly the Carrier be ordered to compensate the Carmen whose names appear in the following list, at the applicable rate and one-half for the number of hours indicated on the dates shown in connection with their respective names on November 21, 22nd, and 24th, 1961.

| | |
|---------------|---|
| J. Negrete | —8 hours each day for November 21, 22nd, and 24th, 1961 |
| R. Hibbert | —8 hours each day for November 21, 22nd, and 24th, 1961 |
| W. P. Kipper | —8 hours each day for November 21, 22nd, and 24th, 1961 |
| W. Gourd | —8 hours each day for November 21, and 22nd, 1961 |
| A. Negrete | —8 hours each day for November 21, and 22nd, 1961 |
| H. Cox | —8 hours each day for November 21, and 22nd, 1961 |
| E. Nesler | —8 hours for November 21, 1961 |
| T. Booker | —8 hours for November 21, 1961 |
| L. Steele | —8 hours for November 22, 1961 |
| G. Bowers | —8 hours for November 22, 1961 |
| O. Whitehurst | —8 hours for November 24, 1961 |
| F. Rios | —8 hours for November 24, 1961 |
| C. McDonald | —8 hours for November 24, 1961 |
| E. Nesler | —8 hours for November 24, 1961 |
| M. Murillo | —8 hours for November 24, 1961 |

EMPLOYEES' STATEMENT OF FACTS: The Chicago Rock Island & Pacific Railroad Company, hereinafter referred to as the carrier, maintains

held the proper payment for time not worked is pro rata.

This claim should be denied.

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.

Carrier maintains a wrecking derrick and regularly assigned crew at Des Moines, Iowa. On November 21, 1961, this derrick and crew were dispatched to a derailment near Beech, Iowa.

It is undisputed that while the wrecking crew members were rerailling passenger cars, the maintenance of way men dug into the road bed and placed cribbing for the purpose of blocking the outriggers of the wrecking derrick to enable it to lift the three Diesel Engines which were involved.

The Organization contends that this work, performed by the maintenance of way men, is work generally recognized as Carmen's work, and that the maintenance of way men were improperly used to augment the wrecking crew.

Carrier contends that this is not Carmen's work and that it was properly performed by the maintenance of way men.

Rule 114 of the controlling agreement reads in part as follows:

"Regularly assigned wrecking crew including engineers and firemen shall be composed of carmen and will be paid for such service under Rule 11.

"* * *

"When needed, men of any class may be taken as additional members of wrecking crews to perform duties consistent with their classification.

"* * *."

Rule 28 of the controlling agreement reads in part as follows:

"(a) None but mechanics or apprentices regularly employed as such shall do mechanics' work as per special rules of each craft, except foremen at points where no mechanics are employed.

"(b) * * *."

Work of digging a hole in the roadbed and placing cribbing therein cannot be found in the Carmen's classification of work rule, even within the general statement in that Rule: "and all other work generally recognized as Carmen's

work." But Special Rule 114 (supra) does give Carmen the right to man the wrecking crews such as here.

What specific items of work are encompassed in "wrecking service" is not spelled out in the Rule. We know from practice that the work of handling the cars and rerailing them is carmen's work in "wrecking service". We have held in prior awards that the wrecking crew shall perform all services incidental, or necessary to the proper completion of a given task. (cf. Awards 878, 1090 and 1298).

But the duties of other classes of employees are generally involved at the scene of a wreck also, and apparently Rule 114 recognizes this fact. Nevertheless, other classes of employees cannot be assigned to perform carmen's work.

Turning again to the work here in dispute, we cannot agree that the digging of a hole and the placing of blocking is work belonging to a Carman mechanic under the controlling agreement. The placing of the outriggers and manning the derrick are clearly the duties of the Carmen comprising the wrecking crew, but the preparation of the road bed to support the equipment cannot be considered Carmen's work in "wrecking service" under the Rules.

AWARD

Claim 1: Overruled.

Claim 2: Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of June, 1964.