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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6498
Docket No. 6342
2-LV-CM-'73

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

Parties to Dispute: (System Federation No. 96, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Lehigh Valley Railroad Company

Dispute: Claim of Employees:

1. That the Carrier violated the current agreement when Carman C. Fronczak, L. Buczkowski, J. Maciejewski, R. Borowski and J. Milley when they were not allowed to accompany wreck train outfit on its return to Buffalo, N. Y. on July 16, 1971.
2. That accordingly the Carrier be ordered to compensate the aforesaid employees at their applicable rate of pay from the time they returned to home station until wreck train outfit was returned to home station.

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 employees 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.

On the date specified in the claim, claimants, who constituted the wrecking crew were dispatched to the scene of a derailment. The "wrecking outfit", composed of a tool car, block car, commissary car and panel rail car were dispatched with the crew at 10:00 A.M. on July 16, 1971. After completing their work at the derailment the crew was returned home by automobile arriving at 9:00 P.M. July 16, 1971. The "wrecking outfit", the composition of which is listed above, returned to the home station July 17, 1971 at 1:00 P.M. The claim is for the number of hours from 9:00 P.M. July 16th to 1:00 P.M. July 17th.

The Organization relies principally on rule 125 reading:

"When wrecking crews are called for wrecks or derailments, a sufficient number of the regularly assigned crew will accompany the outfit."

Carrier maintains the position that since a derrick was not included in the equipment dispatched to the derailment, the other equipment that was dispatched did not constitute an "outfit" as that term is used in the above cited rule. In furtherance of their position, they cite award 5034 among others.

We have reviewed these awards and agree with the reasoning contained therein. As was stated in award 5034, a derrick is an essential part of the "outfit", and since such equipment was not dispatched to the derailment scene, we cannot find a violation of rule 125 or any other rules of the collective bargaining agreement. We must accordingly deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killam
Executive Secretary

Dated at Chicago, Illinois, this 30th day of May, 1973.