

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: (System Federation No. 42, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated terms of the controlling Agreement by their failure to pay the Augusta, Ga. wrecker crew for the time they were improperly placed on rest from 10:00 p.m. January 12, 1977, until 7:00 a.m., January 13, 1977.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Carmen L. C. Reynolds, C. E. Gallahar, J. E. Hair, A. P. Russell, and R. L. Hobbs for nine (9) hours at overtime rate, and Carmen V. L. Holland and T. S. Sturdivant for eight (8) hours at overtime rate, less one (1) hour and thirty (30) minutes which was allowed on the property but did not satisfy the claim.

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.

The facts in this case are essentially undisputed. The Augusta Wrecker and Crew assigned at Augusta, Georgia were called at 3:30 P.M. on January to depart for a derailment on the Georgia Railroad at Bulkhead, Georgia, which had the main line blocked. The Wrecker arrived at Greensboro at 10:00 P.M. which is approximately thirteen (13) miles from Bulkhead and the crew was placed on rest until 7:00 A.M. Carrier later allowed one (1) and one half ($\frac{1}{2}$) hours overtime from 10:00 P.M. to 11:30 P.M. because the wrecker equipment was switched during this time, but denied the claim for the overtime compensation. It contends that the wrecker crew was in need of rest and significantly delayed traffic needed to pass before the wreck outfit could occupy the track and clear the wreckage. Claimants' dispute this position and contend that they were not in need of rest since they had traveled less than one hundred (100) miles to reach Greensboro and were, in fact, well rested when they arrived at this location. They argue that they had not performed any wrecking work prior to the rest directive and then waited until Carrier permitted them to work on the wreck the next morning when two (2) crew members were assigned work at 6:00 A.M. and the others were assigned at 7:00 A.M.

In reviewing this case, we recognize the diversity of Second Division rulings on this issue, as well as Carrier's pragmatic concern for overtime economics, but we believe that the intended purpose of Rule 8, Emergency Road Service, is to relate relief from duty to actual working periods and not to time waiting or traveling after the work has been completed (See Second Division Award 4115).

We agree with Carrier that Rule 8 does not specify that a person can be relieved on the road only after he has commenced work at a derailment or emergency situs, but we cannot disregard our definable holdings on analogous type questions. Admittedly, Carrier would have used this crew had the main line not been cleared. They were sent to the derailment location to perform prompt emergency services. A relief or rest break pursuant to Rule 8 (b) would have been initially unlikely. In Second Division Award 6133 we held:

"that the purpose of the relief provide is to provide a minimum rest period whereby proper rest could be secured to fit them for the continuation of the tasks to which they are assigned."

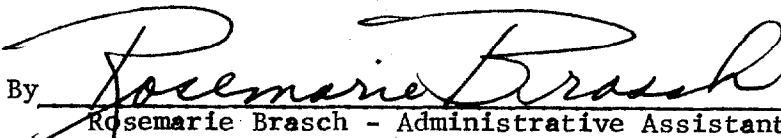
In this instance, Claimants were not assigned to perform tasks at 10:00 P.M. or were provided relief within actual working periods. They were in effect waiting for an assignment that did not materialize until 6:00 A.M. and 7:00 A.M. respectively and as such, entitled them to overtime for all time waiting consistent with Rule 8 (a). We will sustain the claim.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of August, 1980.