

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That the Carrier violated the terms of the Agreement when the Decoursey, Kentucky Wrecking Crew Members C. C. Jameson, J. H. Tierney, A. Feldhaus, M. Thomas and J. Copenbaker were relieved of their wrecking assignment by being taxied to Decoursey from the wrecking outfit at 1:00 AM, December 3, 1979, and the remaining members of the Decoursey Wrecking Crew, E. Hunley accompanied the Wrecking Outfit to home station, arriving at Decoursey, and was relieved at 11:00 PM, December 3, 1979, and
2. Accordingly, the Carrier be ordered to additionally compensate Wrecking Crew Members C. C. Jameson, J. H. Tierney, A. Feldhaus, (Deceased), M. Thomas (Deceased), fourteen (14) hours each at time and one-half rate of pay, and sixteen (16) hours in favor Wrecking Crew Member J. Copenbaker at the time and one-half rate, or the same compensation received by Wrecking Crew Member E. Hunley.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

On December 1, 1979, Carrier called the Decoursey Wrecking outfit to clear a derailment at Morely, Tennessee. The crew members, Claimants C. C. Jameson, J. H. Tierney, A. Feldhaus, M. Thomas, and J. Copenbaker, were called at 3:30 A.M., December 1, 1979. The wreck was cleared and the Claimants were sent back to their home station by taxi. They returned home at 1:00 A.M. on December 3, 1979. One member of the regular crew, Carmen E. Hunley, accompanied the wrecking outfit to the home station. The outfit returned to the home station on December 3, 1979 at 11:00 P.M.

Four Claimants are requesting 14 hours at the time-and-one-half rate. Claimant Copenbaker is requesting 16 hours at the time-and-one-half rate. The issue here is whether Carrier can "taxi cab" the regularly assigned wrecking crew to the home station after a wreck is cleared or whether the crew has to accompany the wrecking outfit back to the home station.

The rule in dispute here is Rule 108:

"RULE 108. WRECKING SERVICE

USE OF REGULAR CREW

For wrecks or derailments outside of yard limits, the regular assigned crew will accompany the wrecking outfit. Within yard limits, when wrecker is used, necessary number of members of the wrecking crew will be called to perform the work."

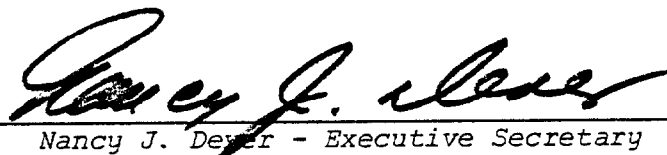
The Board has been confronted with this issue on numerous occasions and has generally concluded that when rules such as this are in dispute, the crew must accompany the wrecker to and from a wreck. Taxiing the regular crew is not allowed by this rule. This Board, with Referee Searce present has sustained four similar claims involving this Carrier and this Organization. (See Awards 9749, 9750, 9751, 9752). The reasoning stated in those awards are clearly on point in this case, and a sustaining award is appropriate. Claim sustained for the regular assigned wrecking crew members.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 9th day of May, 1984