

The Second Division consisted of the regular members and in addition Referee Gilbert H. Vernon when award was rendered.

(Brotherhood Railway Carmen of the United States and
(Canada, AFL-CIO
Parties to Dispute: (
(The Chicago and North Western Transportation Company

Dispute: Claim of Employes:

1. That under the current agreement, Carrier improperly assigned other than Carmen (Contractor J. C. Allen) to scrap and dismantle sixteen (16) ore cars at Little Lake, Michigan.

2. That the Carrier reclaimed useable parts including wheels, brasses, gears, couplers, tracksides, bolsters and all air brake equipment from the following ore cars:

CNW	LSI
11250	7256
122939	7800
122429	7768
112052	7702
122953	7808
112860	7844
112088	7010
118861	7634

3. That accordingly, the Chicago and North Western Transportation Company be ordered to compensate the following named Carmen, as follows:

Larry McRae: Four (4) days @ ten hours per day at time and one-half rate for August 7, 8, 9, 10, 1979.

A. Cavill: Four (4) days @ ten (10) hours per day at time and one-half rate of pay for August 7, 8, 9, 10, 1979.

E. Derovin: Four days @ ten (10) hours per day at time and one-half rate of pay for August 7, 8, 9, 10, 1979.

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 employes 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.

The circumstances, the manner in which the case developed on the property between the parties and the issue are substantially identical in this case to the record before the Board in Award 9918. The only material difference is the location of the derailed cars.

In view of the virtually identical nature of the record, the Board will sustain the claim to the extent of ordering the Carrier to compensate the Claimants at the straight time rate of pay for the amount of time spent in dismantling cars for the purpose of recovering and retaining reusable parts. The number of hours involved can best be determined by the parties.

A W A R D

The Claim is sustained to the extent indicated in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1984.