

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11718
Docket No. 11558
89-2-88-2-37

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

PARTIES TO DISPUTE: ((Brotherhood Railway Carmen/Division TCU
(Indiana Harbor Belt Railroad Company

STATEMENT OF CLAIM:

1. That the Indiana Harbor Belt Railroad Company violated Rule 7 of the Agreement on January 7, 1987 when they ordered the MEI wrecking crew to repair tank car DUPX 6969 after they had finished rerailling a loaded gondola.

2. That the Indiana Harbor Belt Railroad Company be ordered to compensate the wreck crew, Carman V. Dunaway, G. LaVelle, J. Goatley, C. Volk and F. Siniawski, for one (1) hour preparatory time, plus two (2) hours and forty (40) minutes each at their respective wrecking rate of pay account of this rule violation.

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 waived right of appearance at hearing thereon.

At 4:30 AM on Wednesday, January 7, 1987, DUPX 6969 arrived at Carrier's Blue Island Yard. When inspected, the car was found to be off center on the A end. At 10:15 AM, it was switched to a reclassification track where it stayed for approximately 8 hours. At approximately 4:30 PM a wrecking crew was called out to reraill CR 580342 which was on the ground on the west end of Track No. 10. When the crew completed its wrecking work, shortly after 6:00 PM, it was ordered to put DUPX 6969 back on center.

The Organization claims that using the wrecking crew to repair DUPX 6969 was in violation of Rule 7 (c) of its Agreement, reading:

"(c) Employees called or required to report for work and reporting will be allowed a minimum of 4 hours for 2 hours and 40 minutes or less, and will be required to do only such work as called for or

other emergency work which may have developed after they were called and cannot be performed by the regular force in time to avoid delays to train movement."

From the facts of record it is obvious that the wrecking crew was called for a rerailling operation and that effecting repairs to DUPX 6969 was not emergency work which developed after they were called or could not have been performed by the regular force. Accordingly, the Agreement was violated. The Claim will be sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of May 1989.