

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13693

Docket No. 13577

02-2-00-2-50

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

**(Brotherhood of Railway Carmen Division
(Transportation Communications International Union
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (Amtrak)**

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. Carrier violated the agreement in Hialeah/Miami, Florida, when it called back and returned junior furloughed employees on Carmen and Coach Cleaner positions.**
- 2. Accordingly, the Carrier shall now compensate the named Claimants at their respective rate of pay.”**

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 employee 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.

As a result of Hurricane Floyd on September 15, 1999, the Carrier abolished all positions at Hialeah, Florida. Thereafter, contacts were made to employees by the

Carrier, in part, in an effort to establish skeleton crews to evacuate customers. Claims followed.

Clearly, because of Hurricane Floyd, an emergency existed thereby allowing the Carrier flexibility with respect to seniority requirements in the relevant Rules. Further, the record indicates that employees were compensated for varied claim dates - whether they worked or not - thereby making that aspect of the claims moot for those compensated employees. Without more, the claims shall be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 12th day of December 2002.