

**Award No. 2987**  
**Docket No. 2877**  
**2-PULL-CM-'58**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYES'  
DEPARTMENT, AFL-CIO (Carmen)**

**THE PULLMAN COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the current agreement the Carrier improperly computed the service time due Carman L. Carstenson when he was not paid the 40 minutes preparatory time for January 22, 1957.
2. That under the provisions of Rule 14 the Carrier be ordered to additionally compensate Carman L. Carstenson 40 minutes pay at the time and one-half rate.

**EMPLOYEES' STATEMENT OF FACTS:** On Tuesday, January 22, 1957, Carman L. Carstenson whose home station is Denver, Colorado, and whose regular bulletined hours are 8:00 A.M. to 4:30 P.M., with Monday and Tuesday as rest days, was called at about 9:30 A.M. to get ready and leave Denver, Colorado at 12:01 P.M. to proceed from Denver, Colorado to Colorado Springs to drain troop cars at Fort Carson.

Carman L. Carstenson went to the yards to get his tools and work clothes after which he boarded C & S Train No. 1 departing Denver at 12:01 P.M.

He arrived at Camp Carson about 2:00 P.M. The troops were being unloaded from the troop train that he was assigned to work on. As the troop train leaves Camp Carson immediately after unloading, he boarded the troop train at about 2:30 P.M. and worked the cars enroute completing his work upon arrival at Pueblo. As the troop train was continuing on, he got off the troop train at Pueblo, after which he boarded a train for Denver, Colorado, arriving at Denver, Colorado at 11:45 P.M.

Carman Carstenson put in his time for January 22, 1957, from 12:01 P.M. to 11:45 P.M. plus 40 minutes preparatory time at time and one-half. The carrier failed to compensate Carman Carstenson for the 40 minutes preparatory time.

**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.

The parties to said dispute were given due notice of hearing thereon.

This claim for additional compensation for Carman Carstenson is based on the brotherhood charge that Rule 14 has been violated. The rule in substance reads as follows:

“RULE 14. Emergency Road Work. An employee . . . called for emergency road service . . . shall be paid . . . until his return.

If required to leave home station outside of his regular . . . hours . . . shall be allowed 40 minutes preparatory time, at . . . time and one-half.”

The facts are not in dispute. The claimant on January 22, 1957 left Denver, his home station, went to Colorado Springs, where he began draining cars, which were being unloaded. The cars were then sent to Pueblo, with Carstenson continuing his work while en route. He was paid only for the time spent traveling and working, and now demands 40 minutes additional preparatory time because of the alleged emergency.

We are of the opinion that this planned work, considering all the factors of weather, distance, and time, cannot be said to be an unforeseen contingency demanding immediate action. It was neither crisis nor extremity which emerged or issued forth. The fact that weather may be bad could be purely seasonal and does not of itself create an emergency. Neither does the fact that the work was done en route, of itself, prove that it was an emergency.

Each emergency must be determined in the light of all existing circumstances and facts confronting those involved. The proven facts do not support the claimed violation.

#### AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of October, 1958.