

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Firemen and Oilers
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(Denver and Rio Grande Western Railroad Company

STATEMENT OF CLAIM:

1. That in violation of the current Agreement, Denver and Rio Grande Western Railroad Company denied compensation to Laborers O. Cordero, D. Jolley, K. Dall and E. Kenney by invoking an alleged emergency reduction in forces at the Roper Yard diesel shop in Salt Lake City, Utah on February 18 and 19, 1986.

2. That, accordingly, the Denver and Rio Grande Western Railroad Company be ordered to compensate these individuals as follows:

- O. Cordero - February 18, 1986 - 8 hours at the pro rata rate.
- D. Jolly - February 19, 1986 - 8 hours at the pro rata rate.
- K. Dall - February 18 & 19, 1986 - 16 hours at the pro rata rate.
- E. Kenney - February 19, 1986 - 8 hours at the pro rata rate.

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 waived right of appearance at hearing thereon.

Claimants are employed at the Roper Yard Diesel Shop by Carrier. On February 18-19, 1986, Carrier invoked an emergency reduction in forces in connection with flooding on other, connecting railroads. Because Carrier claimed that an emergency situation existed, it did not give its employees five days' notice as called for in the parties Agreement. The Organization thereafter filed a Claim on Claimants' behalf, challenging the Carrier's action and seeking compensation for all time lost.

This Board has reviewed the record in this case, and we find that there is sufficient evidence in the record to support the Carrier's position that an emergency situation existed which affected Carrier operations in Utah, thereby legitimating the furloughs. Consequently, the Claim must be denied.

The record reveals that the flooding that occurred in California disrupted operations across the Carrier's system, including the yards where the Claimants worked. The flooding incident has also been thoroughly reviewed in Second Division Award 11506 and Public Law Board 4334 Awards 4 and 7 with the same conclusion. Although there is a long distance between California and Utah, the flood in question severely impacted the entire operations of the Carrier, including those in the Roper Yard Diesel Shop in Salt Lake City, Utah. Therefore, the Claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1989.