

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Norris C. Bakke, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Company, Pacific Lines, that Telegrapher H. E. Roth be compensated under the provisions of Rule 10 of the agreement in effect and that certain Memorandum of Agreement dated January 3, 1938, for time consumed en route to and from Santa Susana and service performed at Santa Susana, Los Angeles Division, March 4 to 21st, inclusive, 1938.

EMPLOYEES' STATEMENT OF FACTS: Due to heavy storm and flood conditions resulting in slides, washouts and damaged trackage, Telegrapher H. E. Roth was ordered to Santa Susana on March 3rd, 1938, to open an emergency office.

Santa Susana is located on the Ventura Subdivision of the Los Angeles Division at M.P. 437.5. Santa Susana is a seasonal office and an Agent-telegrapher is employed during perishable shipping season varying from May or June to November or December each year.

For some time prior to this particular time, there was no employee coming within the scope of the Telegraphers' Agreement employed at Santa Susana. The office had been closed and it was necessary to have train order signal blades installed on the semaphore before the office could be opened for handling train orders. Also, the power had been cut out and it was necessary to have it cut in by the Power Company at Moor Park in order to furnish lights for the signal and office.

Traffic through Santa Susana is a single track operation. The first telegraph office to the west in continuous operation was Moorpark, 10.4 miles. To the east, the first continuously operated office was Burbank Junction, 25.2 miles until March 5th when due to emergency conditions, Chatsworth was made a 24-hour office. Tunnel 26 named in EXHIBIT "E" is located between Santa Susana and Chatsworth and is approximately 4 miles east of Santa Susana. Hewitt mentioned in EXHIBIT "E" is located 20.9 miles east of Santa Susana. Summerland, the point named in EXHIBIT "E" shown on the map in EXHIBIT "E" and photographic reproduction in EXHIBIT "H" and mentioned in EXHIBIT "L" is located 61.3 miles west of Santa Susana. Montalvo, the point mentioned in EXHIBIT "E", photographic reproduction of Bridge in EXHIBIT "H", mentioned in EXHIBITS "E", "G" and "H", is located 34.3 miles west of Santa Susana.

We quote from EXHIBITS "E", "F", "G", "H" and "M", excerpts which will give ready reference to factual material as to emergency conditions obtaining:

EXHIBIT "E"—photographic reproduction of map—

"Summerland: Slides in area along ocean shore."

March 21, but this by no means establishes that the Santa Susana station was, during the said period of time, an emergency office as contemplated by Rule 10.

CONCLUSION: The carrier having completely established that it properly compensated extra telegrapher Roth for services performed at Santa Susana during the period March 4 to March 22, 1938, and having further completely established that the petitioner is in error in contending that extra telegrapher Roth should have been compensated in accordance with Rule 10, of the current agreement, and the Memorandum of Agreement dated January 3, 1938, (Exhibit "G"), for the said service, the carrier respectfully asserts that it is incumbent upon the Board to deny the alleged claim in the instant case.

OPINION OF BOARD: The principles involved in this case are identical with those in Docket TE-1840, Award 1979, this day decided. What is said in Award 1979 is controlling in the decision of this case.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claimant's work at Santa Susana was work at an emergency office within the meaning of rule 10, and the claim should be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 25th day of September, 1942.

DISSENT TO AWARD NO. 1981, DOCKET TE-1842

Dissent is expressed to this Award for the reasons given in our dissent to Award No. 1979, Docket TE-1840, issued concurrently.

/s/ R. F. Ray
/s/ C. P. Dugan
/s/ R. H. Allison
/s/ A. H. Jones
/s/ C. C. Cook