

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20685
Docket Number SG-20425

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad **Signalmen**
(Chicago, Rock **Island** and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the **Brotherhood** of Railroad **Signalmen** on the Chicago, Rock **Island** and Pacific Railroad Company that:

Carrier pay to **Signal** Maintainer R. W. **Hafley** additional **time** equal to **8** hours' overtime he worked May 2, **1972**, performing work **in** the category of ordinary construction.

OPINION OF BOARD: A derailment occurred on May 2, **1972** at East **Moline**, **Illinois**. Claimant worked his regular hours of **7:00** A.M. to **4:00** P.M. and was then called at **5:30** P.M. to install a new switch machine at the site of the derailment. Claimant worked **until 1:30** A.M. the following morning. The **Claimant** is asking for time **at** the punitive rate for those hours worked.

There is agreement that if the work was of an emergency **nature** compensation **at** the punitive rate would not be required. The Organization contends that **inasmuch** as trains were moving through the derail site at **5:30** P.M. on May 2, the work performed was not *emergency* work but ordinary maintenance and construction work.

We must find for the Carrier **in** this case. The assertion by the Organization that the emergency had **ended** is unsupported. The replacement of the switch machine came within **a few** hours of the movement of trains through the derail site on the evening of the accident. The **performance** of that work is consistent with **an** emergency situation.

FINDINGS: The Third **Division** of the Adjustment Board, upon the whole **record and all** the evidence, **finds** and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved **in** this dispute are respectively Carrier **and Employees** 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 Agreement was not **violated**.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

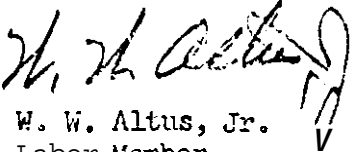
ATTEST: *A.W. Paulos*
Executive Secretary

Dated at Chicago, Illinois, **this** 17th **day of** April 1975.

Dissent to Award No. 20685, Docket No. S-20425

The Majority has expanded the word emergency by "a few hours" from what has become to be recognized as a clearly fixed line upon which decisions certain in nature could be made. Now that certainty has been arbitrarily and unreasonably surrendered for ambiguity, we have failed to meet one of our mandated purposes, i.e., "to provide for the prompt and orderly settlement of all disputes growing out of *** the interpretation or application of agreements ***."

Award No. 20685 is in error, and I dissent.


W. W. Altus, Jr.
Labor Member