

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32132
Docket No. SG-32729
97-3-96-3-32**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation**

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (Conrail):

Claim on behalf of R. J. Long for payment of six hours at the straight time rate and four hours at the time and one-half rate, account Carrier violated the current Signalmen's Agreement, particularly Appendix 'K', when it used an employee from another seniority district to perform work in the Claimant's seniority district on June 15, 1994, and deprived the Claimant of the opportunity to perform the work. Carrier's File No. SG-814. General Chairman's File No. RM2686-2-195. BRS File Case No. 9701-CR."

FINDINGS:

The Third 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.

A severe storm on June 15, 1994 caused downed pole lines and trees damaging the signal system near Mile Post 184 on the Ft. Wayne Line in Seniority District #15. Scheduled train service in the area was disrupted. In response, the Carrier called all available C&S employees in Seniority District #15 to work. Claimant worked on that date. The Carrier also called a Signal Inspector from District #19 who was in close proximity to the storm damage. This claim followed protesting the use of an employee from a different seniority district.

The claim will be denied. Clearly, the events of June 15, 1994 amounted to an emergency. The Carrier has a great deal of latitude in dealing with emergency situations. The Carrier's actions in this case fell within that latitude.

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 Third Division**

Dated at Chicago, Illinois, this 13th day of August 1997.