

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

Paul Samuel, Referee

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
THE COLORADO AND SOUTHERN RAILWAY COMPANY**

DISPUTE.—"Claim of W. B. Pace, Extra Telegrapher, for emergency expense at Chugwater, Wyoming, July 18, 1933, and for deadhead travel time returning from Chugwater, Wyoming, to Wheatland, Wyoming."

FINDINGS.—The Third Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employee 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.

An Agreement exists between the parties bearing the effective date of June 16, 1924.

The parties to said dispute were given due notice of hearing thereon. Hearing was had and because of the failure of the Third Division to agree upon an Award, and because of a deadlock, Paul Samuel was selected as the Referee to sit with the Division as a member thereof and make an award.

The parties agreed to the following facts and the Third Division so finds them to be:

"W. B. Pace was an extra telegrapher on the Northern Division. He was sent to Chugwater, Wyoming, to work as a telegrapher on the night of July 17 from 11 P. M. to 7 A. M. July 18, 1933. This trick was worked but one night. He was paid deadhead travel time going to Chugwater from Wheatland, his home station. When relieved he deadheaded to Wheatland, his home station, from Chugwater, and made claim for the actual time consumed in deadheading for the return movement; also for \$2.25 one day's expenses while at Chugwater. The claim for deadhead movement back to home station, Wheatland from Chugwater was declined as well as the claim for \$2.25 expense money. The Telegrapher's claim is based upon the provisions of Rule 19 of the Telegraphers' Schedule Agreement, reading as follows:

"(a) Regularly assigned employees taken from their assigned positions to be used at derailments, washouts, or similar emergencies, will receive the salary of their position. Extra employees when used in similar services shall receive not less than the minimum rate of telegraphers. While away from home station in such service, telegraphers will be allowed \$2.25 per day for three meals and lodging—50 cents per meal, 75 cents for lodging.

"(b) Regularly assigned employees called for such service will be paid from the time ordered to leave home station until return for all time worked in accordance with the practice at the home station, and straight-time rate for all time waiting or traveling.

"Extra employees will be paid from the time ordered to leave home station until return and will receive overtime rates for all time worked in excess of eight hours, and straight time for all time waiting or traveling.

"(c) Extra men will receive the same rate of pay as the men they relieve.

"(d) Extra telegraphers who have performed initial service, transferred to another position by proper authority will be paid pro rata for actual time consumed in deadheading."

The Third Division finds that no washout, derailment, or similar emergency occurred at Chugwater on July 17, 1933, nor did Telegrapher perform any emergency service specifically described in Paragraph (2), Rule 19, on that date.

This Division finds, however, that the claimant is entitled to deadhead time returning from Chugwater to Wheatland, this allowance of travel time being in accordance with our previous Award in case No. TE-70.

AWARD

Claim of W. B. Pace is denied in part, that is to say, claim for emergency expenses at Chugwater is denied, and claim is allowed in part for deadhead travel time returning from Chugwater to Wheatland.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 3rd day of September 1935.