

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Emmett Ferguson, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
THE PENNSYLVANIA RAILROAD COMPANY**

STATEMENT OF CLAIM: (a) Claim that E. C. Ott, J. T. Greaves, A. A. Cooper, A. J. Cooper, A. Cooper, Sr. and F. D. Angelini, Signalmen, be paid the difference between the straight time rate and time and one-half rate of \$1.40 per hour for seven and one-half (7½) hours on January 2, 1948 and eight (8) hours on January 3, 1948, because they were required to transport company tools and materials from Philadelphia, Penna. to Gary, Indiana, account of storm breaks in T. & T. and T. & S. pole lines and cables on the Chicago Terminal Division, therefore performing service.

(b) Claim that E. C. Ott, J. T. Greaves, A. A. Cooper, A. J. Cooper, A. Cooper, Sr. and F. D. Angelini, Signalmen, be paid at the straight time rate of \$1.40 per hour for the number of hours as shown on each of the dates as listed below:

Saturday	—	January 3, 1948	—	3	hours
Sunday	—	" 4, "	—	9½	"
		(punitive rate)			
Monday	—	" 5, 1948	—	9¾	"
Tuesday	—	" 6, "	—	9¼	"
Wednesday	—	" 7, "	—	9	"
Thursday	—	" 8, "	—	9½	"
Friday	—	" 9, "	—	5½	"
				55½	"

because they were required to work on the Chicago Terminal Division account of storm breaks in T. & T. and T. & S. pole lines and cables thereby causing them to be held subject to call and waiting time, on other than their home division.

(c) Claim that E. C. Ott, J. T. Greaves, A. A. Cooper, A. J. Cooper, A. Cooper, Sr., and F. D. Angelini, Signalmen, be paid at the straight time rate of \$1.40 per hour for five (5) hours on January 9, 1948 and eight (8) hours on January 10, 1948, because they were required to travel after performing service on the Chicago Terminal Division (Gary, Indiana) to their home division (Philadelphia Terminal Division) at Philadelphia, Penna.

EMPLOYEES' STATEMENT OF FACTS: The employes named in the claims are Telegraph and Signal Department employes who held regular assigned positions on the Philadelphia Terminal Division of the Pennsylvania Railroad. Their headquarters was located at 30th Street Station, lower level, in Philadelphia, Pa.

Therefore, the Carrier respectfully submits that your Honorable Board should dismiss the claim of the Employees in this matter.

All data contained herein have been presented to the employes involved or to their duly authorized representatives.

(Exhibits not reproduced).

OPINION OF BOARD: Claimants herein were ordered from their home station at Philadelphia, Pa., to Gary, Indiana, to repair storm damage. They left at 1:05 P. M. January 2, 1948, with their tools and equipment in day coaches. After various transfers and delays they arrived at Gary, Indiana, at 12:30 P. M., and worked that day until 9:00 P. M.

Under part (a) of the present claim, they now demand the difference between straight time and time and one-half for 7½ hours for January 2, and an additional eight hours for January 3.

Under part (b) they claim pay at straight time rate for the hours of rest provided by the company while at Gary because they were asked to remain within call.

Under part (c) they claim straight time pay for the hours spent returning by sleeper to Philadelphia without their equipment which had been checked through for them.

We are of the opinion that claim (a) should be sustained because the men were performing service in handling company equipment while in transit to Gary. They were under a condition of alert and subject to be stopped anywhere needed to go to work.

As to claim (b) we are of the opinion that remaining in the neighborhood of the hotel where they were quartered is not sufficient to justify a demand for payment. They were only getting 8 or 9 hours a night off duty. And we believe the assistant supervisor was either only warning the men or giving them advice to be ready to go early as needed the following morning when he ordered them to remain in the vicinity of the hotel.

As to claim (c), we are of the opinion that Article 2, Section 8 (d) denies compensation to the claimants while using the sleeping car accommodations provided enroute to their home station.

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 Employes involved in this dispute are respectively Carrier and Employes 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;

That claimants were performing service during time claimed while enroute Philadelphia to Gary;

That while off duty, with hotel accommodations provided, the men were not on call when asked to remain in vicinity; and

That while returning to home station in sleeping cars rule does not permit payment.

AWARD

Claim (a) sustained. Claims (b) and (c) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 30th day of November, 1953.