

Award No. 11962
Docket No. SG-11425

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

William N. Christian, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

NORTHERN PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Northern Pacific Railway Company that:

(a) The Carrier violated the current Signalmen's Agreement, as amended, especially Rule 63, when it failed and/or declined to furnish an adequate supply of water in the Signal Maintainer's living quarters at Dixon, Montana, after a well pump became inoperative about September 1957, which made it necessary for Signal Maintainer R. J. Hamann to carry water from the well to his living quarters.

(b) The Carrier should now compensate Signal Maintainer R. J. Hamann at the overtime rate for 1½ to 2 hours each day, as claimed by Mr. Hamann, for the period from July 12, 1958, to September 9, 1958, inclusive, and for all time subsequent to September 9, 1958, that Mr. Hamann is required to carry water from the well to his living quarters until the pump is repaired and the water system in the house is restored to working order.
[Carrier's File: 1400-M-60]

EMPLOYEES' STATEMENT OF FACTS: During the dates involved in this dispute the claimant, Mr. R. J. Hamann, was the incumbent of the signal maintenance position with headquarters at Dixon, Montana, and his place of residence was a Carrier-owned house which is located on the north side of the tracks at Dixon. That house is equipped for running water, and the well that furnishes water is also located on the north side of the tracks, approximately 107 feet and 8 inches from the front of the Signal Maintainer's house. The kitchen is located in the rear of the house, with the outside door leading onto an open porch. The distance from the well to the kitchen door is approximately 167 feet.

During September 1957, the pressure pump on the well at Dixon became inoperative and the employees at that location were required to use a hand

All data in support of the Carrier's position in connection with this claim has been presented to the duly authorized representative of the Employees and is made a part of the particular question in dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: Rule 63 of the effective Agreement provides in part:

“ . . . An adequate supply of water will be made available to employees living in its buildings . . . ”

The building involved herein is the Signal Maintainer's living quarters at Dixon, Montana. In 1954 a pressure pump was installed on a new well; this pumped water into the house. In September 1957 the pump became inoperative. On April 8, 1958, Claimant took service on the position and occupancy of the house. There are six in his family. On May 9, 1958, Claimant wrote Carrier, inquiring as to repair of the pump. The claim is for actual hours spent by Claimant in carrying water more than 100 feet from the well to the house for his family's use, at the overtime rate, for the period from July 12, 1958, until the pump was made operative on October 6, 1958.

Under the circumstances existing at this house at the time Claimant took the position, Carrier was obligated to repair the pump within a reasonable time. After notice by letter of May 9, 1958, the delay from July 12, 1958 to October 6, 1958, was unreasonable.

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 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 violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of December 1963.