

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 28643
Docket No. SG-28850
91-3-89-3-253

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc. (former GA/AWP/WofAL)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Georgia, Atlanta West Point and the Western of Alabama Railway Companys (sic) (GA-AWP-WofAL):

On behalf of the following GA-AWP-WofAL Signal Personnel who participated in the repair work on January 9, 1988:

"F. L. Bunn	J. F. Williams
J. F. Mitchell	T. E. Lally
K. E. Langford	R. C. Shumpert
S. Hogan	J. R. Hudson
R. H. Mayfield, Jr.	W. H. Bray
S. H. Glover	M. K. Kephart
C. T. Godwin	J. A. Albright
F. S. Eddings, Jr.	J. D. Holloman
J. L. Yancey	

(a) Carrier violated the Signalmen's Agreement, particularly, the Scope, when it permitted and/or instructed Signal personnel from another railroad to perform Signal work on the Western of Alabama Railroad on January 9, 1988.

(b) Carrier now be required to compensate the above claimants for two hours and four minutes each at their overtime rates of pay (a total of 35 man hours equal to the violation time)." G. C. File FL-102 Carrier file 15-1(88-32).

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The significant events leading to this Claim arose on January 9, 1988, due to damage to the Carrier's signal system caused by an ice storm. The Carrier utilized five signal maintainers from the former L & N to perform the work.

The Board has carefully reviewed the record and concludes that an emergency situation existed to restore the signal system. It has been consistently held that the Carrier has wide latitude in meeting emergency situations, such as we find in this case.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1991.