

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32372
Docket No. MW-31266
97-3-93-3-153

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coastline
(Railroad Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it assigned Savannah/Florence Seniority District employees, Welder J. D. Rushing and Welder Helper C. A. Water, to perform work on the Jacksonville/Tampa Seniority District at Kraft and JEA Block on January 9, 1992, at Trout River Drawbridge on January 14, 1992 and at Amoco Oil and B. P. Oil on January 17, 1992 [System File ALP-92-03/12(92-378) SSY].
- (2) As a consequence of the violation referred to in Part (1) above, Jacksonville/Tampa Seniority District Welder A. L. Parkes, II and Welder Helper M. D. Bennett shall each be allowed twenty-four (24) hours' pay at their respective straight time rates.”

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.

Carrier acknowledges that it used a Savannah/Florence Seniority District Welder and a Welder Helper repairing track on the Jacksonville/Tampa Seniority District on January 9 and January 17, 1992. It argues, though, that the work performed constituted an emergency and that the Claimants were not available to do the work on a timely basis. Carrier contends that it was privileged to use employees from a nearby seniority district by reason of the language of Rule 14, Section 2, reading in part:

“... employees will not be temporarily transferred from one seniority district to another except in cases of emergencies, such as wrecks, washouts, fires, etc., when traffic is blocked or seriously impaired....”

The record indicates that the Savannah/Florence District Welder and Welder Helper who worked on the Jacksonville/Tampa District on January 9 and 17, 1992 were indeed making emergency repairs. As such, under Rule 14, Carrier was not proscribed from making the assignment. The claim for the Jacksonville/Tampa Welder and Welder Helper is not supported by the Agreement.

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 30th day of December 1997.