

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 33215  
Docket No. SG-34226  
99-3-97-3-787

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

**PARTIES TO DISPUTE:** (Brotherhood of Railroad Signalmen  
(The Long Island Rail Road Company)

**STATEMENT OF CLAIM:**

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Long Island Rail Road:

Claim on behalf of R.T. Nobile, T.P. Jones, M. Babiak, and F. Hill for payment of eight hours each at the time and one-half rate, plus the differential, account Carrier violated the current Signalmen's Agreement, particularly Rule 40, when it used junior employees instead of the Claimants for an overtime assignment on March 9, 1996. Carrier's File No. SG-16-96. BRS File Case No. 10458-LI.”

**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.

Claimants were assigned to Signalman positions on Gang 24 - Headquartered at Hicksville, New York.

It is undisputed that a horrendous snowstorm hit this area in March 1996 creating emergency conditions.

Claimants and several junior employees began snow duty assignments at 4:00 A.M. on March 8 and continued until relieved at 8:00 P.M. The junior employees were released after working 16 hours. Claimants continued to work until midnight when they were relieved by the recalled junior employees. At midnight the junior employees returned to duty and worked until 8:00 A.M. on March 9 (an additional eight hours for a total of 24 hours.)

As a result, the junior employees worked four more hours of overtime. The original claim sought eight hours at the overtime rate, plus differential for all the Claimants.

There is no evidence that the Carrier deliberately and intentionally worked junior employees four more overtime hours over a two day period than senior employees. This Board agrees that, after the senior employees had worked for 20 straight hours in a snowstorm in and around a large volume of commuter traffic, the safety of the senior employees was, and should properly have been, the overriding consideration.

### AWARD

Claim dismissed.

### 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 21st day of April 1999.