

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 148
Case No. 148

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and
CSX Transportation, Inc.

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier called and assigned employees Monongah East Seniority District employees to perform work at a derailment on the Cumberland Seniority District on January 30 and 31, 2000, instead of Cumberland Seniority District employees [System File A05506300/12(00-0262) CSX].
2. As a consequence of the violation referred to in Part (1) above, Cumberland Seniority District employees M. L. Williams, R. S. Murray, C. D. Troutman, J. B. Helmick, M. A. Sisler, R. L. Graves, C. W. Miller, W. C. Cunningham, L. D. Trimble, R. D. Feaster, L. A. Wolfe, M. G. Kahl, S. R. Shocky, G. R. Kennedy, E. H. Jordan, S. A. Appel, L. Moats, P. E. Shook, S. W. Silver and R. C. Welch shall each receive a proportionate share of the five hundred eighty-six and one-half (586.5) straight time hours, five hundred seventy-seven (577) time and one-half hours and nine (9) double time hours expended by the Monongah East Seniority District employees in the performance of the aforesaid work at their appropriate rates of pay.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the

meaning of the Railway Labor Act, as amended,; and

2. That the Board has jurisdiction over this dispute.

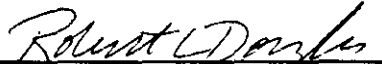
OPINION OF THE BOARD:

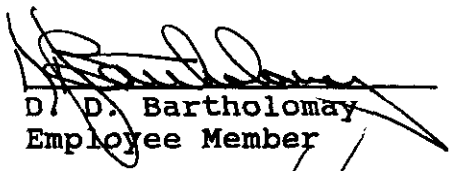
This dispute arose as a result of the Carrier's assignment of active personnel from one seniority district to perform certain work in another seniority district in the aftermath of a 76-car derailment that destroyed both tracks and stopped all train movement. The record reflects that the Claimants were not immediately available to be called to respond to the location of the derailment.


The record indicates that the derailment created serious and extreme emergency conditions that justified the Carrier's reasonable action in immediately assigning the active, available employees to perform the disputed work in a timely manner to restore operations. Under these special circumstances the Carrier did not violate the Agreement.

AWARD:

The Claim is denied in accordance with the Opinion of the Board.


Robert L. Douglas
Chairman and Neutral Member


D. D. Bartholomay
Employee Member


Mark D. Selbert
Carrier Member

Dated: 3/8/02