



ORT FILE: 1922  
AWARD NO. 15  
CASE NO. 15

SPECIAL BOARD OF ADJUSTMENT NO. 266  
THE ORDER OF RAILROAD TELEGRAPHERS  
vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM:

Carrier violated the terms of the Telegraphers' Agreement when and because at various times it required or permitted persons outside of the Telegraphers' Agreement to work as Towermen in the East Buffalo Tower; in consequence thereof for each eight-hour trick as shown in the Employees' Statement of Facts, the senior idle employee, extra in preference, shall be allowed a day's pay at the East Buffalo Tower rate. The records to be jointly checked to determine the payees. This claim also covers subsequent dates.

OPINION OF BOARD:

This claim contends that during the period indicated above the Carrier violated the Agreement by requiring or permitting Signal Maintainers, Sectionmen and other employees to perform the work of Towermen in the East Buffalo Tower, Buffalo, New York. The evidence indicates that at the time in question serious difficulty was experienced in operating the mechanical switches at this location due to extreme snow and ice conditions. This situation existed in spite of the fact that Carrier personnel were engaged in cleaning the switches. As a result, from time to time during this period non-schedule employees gave assistance to Towermen in providing the necessary manual power for moving the switch levers.

Under the confronting facts, we are of the opinion and find that an emergency situation existed and therefore that the Agreement was not violated.

A W A R D:

Claim denied.

s/ LLOYD H. BAILER  
Lloyd H. Bailer, Neutral Member

s/ W. I. CHRISTOPHER  
W. I. Christopher, Employee Member

s/ F. DIEGTEL  
F. Diegtel, Carrier Member

New York, New York  
July 17, 1959