



AWARD NO. 22
CASE NO. 22
ORT 1998
TE-8557
Case File 343A6/1-772

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

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna and Western Railroad, that:

1. The Carrier violated the Agreement between the parties when it required or permitted an employe not covered by the Telegraphers' Agreement to operate the interlocked switches and signals at West Secaucus on March 31, 1955, between the hours of 3:30 P.M. and 6:00 P.M.
2. The Carrier shall compensate the senior idle employe, extra in preference, an amount equivalent to eight (8) hours' pay at the straight time rate applicable (\$1.97 per hour) for work denied. The name of the employe entitled to payment to be determined by a joint check of Carrier's records."

OPINION OF BOARD:

On March 31, 1955 signals and switches at West Secaucus, New Jersey became inoperative due to a fire which burned a power cable. This accident made it impossible for the dispatcher at Hoboken to operate the remote controls. In order to operate Carrier's trains, a Signal Department employee was assigned to manipulate switches and signals from a panel located in a concrete block building in the vicinity of the old West Secaucus Tower. This work was performed between 3:30 P.M. and 6:00 P.M., under instructions from the Dispatcher. It appears that a Trainmaster was present to oversee the performance of the Signal Department employee involved.

We are of the opinion and find that the confronting facts represented an emergency situation which made it necessary to assign a Signal Department employee to throw relays to operate the switches and signals in the subject situation. We therefore are constrained to hold that the Telegraphers' Agreement was not violated and that the claim must be denied.

AWARD: 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

September 17, 1959