

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(The Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That the Baltimore and Ohio Railroad Company violated the controlling Agreement, specifically Rule 24, when on the date of November 24, 1982, they subjected Carmen G. L. Ritchie and S. P. McKenzie to furloughed status, without proper notification of such furlough, as prescribed and mandated in the above referred to Rule.

2. That accordingly, Claimants herein, Carmen Ritchie and McKenzie, be compensated continuously from the date of November 24, 1982 until claim is resolved, for each and every day they remain in furloughed status, lacking notification of such, at their regular Carmen's rate of pay.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The two Claimants allege they were not properly notified they were being furloughed. In November, 1982, Carrier effected a general force reduction. Cumberland Locomotive Shops, Claimants' work location, was involved. On November 18, 1982, notice of the reductions was published to Carmen indicating that three positions, Nos. 7780, 7781, and 4980, would be abolished effective November 24, 1982. The November 18, 1982, notice listed the names of the three occupants of the positions abolished. Also, the third paragraph listed two employes that could be affected as a result. The Claimants were listed as these individuals.

The next day, Abolishment Bulletin No. 587 was posted eliminating a number of jobs effective November 24. Abolishment Bulletin No. 587 covered positions of Machinists, Machinist Helpers, Electricians, Pipefitters, Boilermakers, Laborers and Carmen. Positions Nos. 7780, 7781, and 4980 with the names of the incumbents were specifically included.

On January 14, 1983, a Claim was filed contending that the November 19, 1982, notice was defective because it was not on the standard form as provided in the Agreement. Also, it was contended that the notice failed to list employees that were affected. The Claim made no mention of the November 18, 1982, notice.

This Claim was answered on March 1, and the Carrier pointed out that the notice issued November 18, 1982, was in compliance with Agreement provisions.

The Organization contends the November 18, 1982, notice is fictitious. It does not, however, submit any supporting evidence. Simply put, the Organization has not produced any probative evidence that would show the Carrier did not post the November 18, 1982, notice.

The November 18, 1982, notice was on the prescribed form set out in the parties' Agreement. This is not the first instance of a job abolishment. By the terms of the Agreement, it is not necessary that each occupant of positions being abolished or that each individual listed be given a copy of the notice. By reason of the revisions that were placed in the Agreement effective March 1, 1980, abolishment notices must merely be posted on bulletin boards and copies furnished the Local Chairman (Second Division Award 9733).

Accordingly, suggesting the Claimants did not receive a copy is not proof that the notice was not posted. Also, indicating that the Local Chairman expressed surprise with Carrier's assertion that Agreement procedures were followed is not proof that they were, in fact, not followed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 16th day of September 1987.