

Award No. 1679

Docket No. 1611

2-Pull-CM-'53

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 122, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Carmen)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That under the current agreement Carmen Helpers Alonzo Williams and E. Palmer were improperly furloughed on April 20, 1952 when they were not given the proper furlough notice.

2. That accordingly the carrier be ordered to compensate the aforesaid carmen helpers in the amount of five days' pay each at their applicable rate.

EMPLOYEES' STATEMENT OF FACTS: Carmen Helpers Alonzo Williams and E. Palmer, hereinafter referred to as the claimants, were regularly employed by the Pullman Company at the Pullman Central Repair Shop, Los Angeles, California on the 3:30 P.M. to 11:10 P.M. shift. On April 14, 1952, the carrier posted a bulletin abolishing the assignments held by Carmen Helpers A. Williams and E. Palmer, a copy of the bulletin is submitted herewith and identified as Exhibit A. On April 21 Carman Helper A. Williams appeared for work and was sent home without being permitted to work with the explanation that he was furloughed. Carman Helper E. Palmer was to have reported for work April 22, 1952, at 7:00 A.M. but was notified by telephone not to report for work as he was furloughed.

The agreement effective June 16, 1951, as subsequently amended, is controlling.

POSITION OF EMPLOYES: It is submitted that under the terms of Rule 24 (a) and (b) reading:

"(a) When it becomes necessary to reduce expenses, the force at any repair shop, district or agency shall be reduced, seniority to govern; the employees affected to take the rate of the job to which they are assigned.

"(b) Not less than 7 calendar days' notice (inclusive of day notice is served) shall be given employees to be furloughed before a reduction in force is made and names of employees to be furloughed shall be furnished the chairman of the local committee."

employees are entitled to not less than seven calendar days' notice that they are furloughed before a reduction in force is made and names of employees to be furloughed shall be furnished the chairman of the local committee.

CONCLUSION

The company submits that the instant claim should be denied. There is no rule in the agreement which sets forth the specific manner in which furlough notices shall be issued to carman helper employees. The purpose and intent of Rule 24 (b) is to furnish the employee notice that effective at the close of the next 7 calendar days (including day notice is posted) he will be dropped from the payroll of the subdivision in which he is working. Such information was furnished Williams and Palmer. Further, the memorandum of agreement concerning Rule 24 supports the company's position that the employees in question were aware the bulletin posted on April 14, 1952, put them on notice that they would be furloughed as carmen helpers, effective April 20, 1952.

FINDINGS: The Second 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.

The parties to said dispute were given due notice of hearing thereon.

Bulletin of April 14, 1952, abolishing the positions filled by claimants, did not constitute a notice of furlough as contemplated by the language of Rule 24. The so-called "abolition of positions" cannot be used to cause the removal of employees from service contrary to the proper furloughing provisions of Rule 24. When making a reduction in force the proper procedure under Rule 24 is for the carrier to give not less than seven (7) calendar days' notice (inclusive of day notice is served) to employees to be furloughed and names of employees to be furloughed furnished the chairman of the local committee.

However, considering all the circumstances involved in this particular dispute, the claim for compensation is disallowed.

AWARD

Claim sustained in accordance with the above findings without compensation.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 16th day of June, 1953.