

**Award No. 2702**

**Docket No. 2473**

**2-PULL-EW-'57**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Thomas C. Begley when the award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYES'  
DEPARTMENT, AFL-CIO (Electrical Workers)**

**THE PULLMAN COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:**

1. That the Pullman Company violated the current agreement when on December 24, 1955, they issued a furlough notice to Electricians J. Teixeira, J. Lewter, W. E. Behmer, V. Sanchez, F. Schwarz, M. J. Callahan, N. Pagliero, A. Laris, M. C. McCabe, J. L. Garrido, R. M. Vincent, E. Hein and C. Taylor.

2. That accordingly Electricians J. Teixeira, J. Lewter, W. E. Behmer, V. Sanchez, F. Schwarz, M. J. Callahan, N. Pagliero, A. Laris, M. C. McCabe, J. L. Garrido, R. M. Vincent, E. Hein and C. Taylor be compensated in accord with the claims submitted to Foreman W. J. Welch dated January 2, 1956.

**EMPLOYES' STATEMENT OF FACTS:** On December 24, 1955, Foreman W. J. Welch posted notices abolishing the following positions effective December 25, 1955:

| <b>Position No.</b> | <b>Incumbent</b> | <b>Position No.</b> | <b>Incumbent</b> |
|---------------------|------------------|---------------------|------------------|
| Oak. 1              | T. V. Gassaway   | Oak. 12             | J. Deaver        |
| Oak. 5              | P. Anderson      | Oak. 13             | L. Reynolds      |
| Oak. 6              | H. Wink          | Oak. 14             | F. Greenley      |
| Oak. 7              | J. Teixeira      | Oak. 15             | J. Milano        |
| Oak. 8              | E. Knight        | Oak. 52             | D. Tyson         |
| Oak. 9              | C. W. McNaughton | Oak. 55             | J. Lewter        |
| Oak. 10             | E. Branco        |                     |                  |

rest days were Monday and Tuesday (Exhibit A, pp. 7-8), the organization requests 8 hours. The company submits that whether or not December 25 and 26 were the rest days attaching to the positions from which the employees involved in this dispute were furloughed, effective December 25, 1955, the employees (Behmer excepted) were not entitled to perform the work incident to those positions and no adjustment is due.

### CONCLUSION

In this ex parte submission the company has shown that Article IV of the November 2, 1954, Agreement is controlling and that no rule of the agreement between The Pullman Company and its electricians was violated when, effective December 25, 1955, the company furloughed certain electricians in the San Francisco District. Also, the company has shown that no employee is due an adjustment and that all employees have been properly paid.

The claim of the organization is without merit and should be denied.

**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.

For the reasons advanced in the findings in Docket No. 2472, Award 2701, we find that this claim should be denied.

### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 6th day of December, 1957.