

The Second Division consisted of the regular members and in addition Referee Lamont E. Stallworth when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers  
(Consolidated Rail Corporation

Dispute: Claim of Employees:

Under date of February 17, 1981, a grievance was submitted by certified mail number P 29 4909080. The grievance concerned instructions given by a carrier officer to Radio Maintainers M. Dodson, W. Franklin and R. Meador, that if their Local Chairman Gary R. Jackson continued to turn in time claims more radio jobs would be abolished.

Local Chairman Jackson did submit a time claim and the earlier threat from the carrier became a reality of unprecedented proportions.

Under date of April 28, 1981, the carrier issued Abolishment Notice Bulletin No. 4-81 I.B.E.W. abolishing the following Radio Maintainers' positions: M. W. Dodson, G. R. Jackson, P. R. Siefert, J. B. Watt and T & T maintainer W. Kennett.

Also under the same date Abolishment Notice Bulletin No. 6-81 I.B.E.W. eliminating: L. L. Hawkey, Radio Maintainer and D. K. Edwards, District Lineman.

Radio Maintainer R. Meador had just lost his job as an object lesson to Local 784 that the carrier meant business.

A telephone call to the General Chairman revealed that only Local 784 suffered this slash in communications workers. Telephone calls to other Regions confirmed that the unprecedented (sic) cut affected only Local 784.

The conclusion is manifest; the subject of the February 17, 1981, grievance has become a reality.

Therefore, under the demand of the approved grievance of February 17, 1981, we are demanding eight (8) hours pay at the double time rate of pay for each and every day for the following furloughed Radio Maintainers: M. W. Dodson and R. Meador.

We are also claiming eight hours at the double time rate of pay for the following due to either loss of job, displacement, financial hardships, family hardships, or loss in rate of pay:

W. G. Franklin, Radio Maintainer, displaced  
G. R. Jackson, Radio Maintainer, job abolished, displaced  
C. R. Hillman, Radio Maintainer, displaced  
L. L. Hawkey, Radio Maintainer, job abolished-furloughed  
P. R. Siefert, Radio Maintainer, job abolished-displaced  
J. B. Watt, Radio Maintainer, job abolished-displaced  
W. Kennett, T & T Maintainer, job abolished-displaced  
D. K. Edwards, District Lineman, job abolished, reduced in rate of pay.

In addition to all other hardships, C. R. Hillman lost his right to re-election as Treasurer of Local 784.

This claim is filed under Rule 4-P-1 (i) with an effective starting date of May 6, 1981, and to continue until all the above Claimants are returned to the positions and headquarters they held prior to the May 5, 1981, Abolishment Notices.

Also, as in the past, we demand that you put an end to this harassment, intimidation, coercion, and interference of the Local Chairman and all those associated with him.

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 employees 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 Organization fails to prove the violation of a Rule or Rules which would deny Carrier's right to abolish or rearrange positions under the Agreement. In the absence of such a Rule, abolishment of a job is clearly not a violation of the Agreement. Asserting a contract right (rearrangement of the work force through abolishment) cannot be construed as harassment, intimidation, coercion or interference absent supportive evidence. In the instant case such evidence was not presented.

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Award No. 10677  
Docket No. 9945  
2-CRC-EW-'85

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of December 1985.