

Award No. 1244

Docket No. 1179

2-StLSW-BM-'48

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

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DISPUTE: CLAIM OF EMPLOYEES: That Boilermaker J. L. Carville was furloughed without proper notice under the current agreement, effective at 7 A.M., April 1, 1947, and that accordingly the carrier be ordered to reimburse this employe for all time lost after March 31 until April 7, 1947.

EMPLOYEES' STATEMENT OF FACTS: Boilermaker J. L. Carville, hereinafter referred to as the claimant, was regularly employed by the carrier at Texarkana, Texas, on the 7 A.M. to 3 P.M. shift.

At about 11:45 A.M. on March 31, 1947, the carrier handed the claimant the following letter—

Texarkana, Texas, March 31st, 1947.
23. Reduction in force, Texarkana.

Mr. J. L. Carville,
Boilermaker,
Texarkana, Texas

Effective 7:00 A.M. April 1st, 1947 you are being displaced off 7:00 A.M. to 3:00 P.M. boilermakers job by senior Boilermaker W. J. Heard, you being the junior boilermaker at this terminal account boilermakers job that W. J. Heard was assigned to working 7:00 P.M. to 3:00 A.M. being abolished effective 7:00 A.M. April 1st, 1947.

Kindly arrange to be governed accordingly and since you the junior boilermaker at this terminal not able to place yourself at this point, kindly arrange to call at my office and turn in all company property issued you and advise if you desire time check covering time due you.

(S) W. A. Brule

cc—Mr. E. V. Myers, S. M. P. Tyler
cc—Mr. T. C. Crist, I. B. of B. Texarkana, Texas.

The claimant was denied the right to work out the proper notice, even by working in the place of Boilermaker Crist laying off the week of April 1, primarily for the purpose of avoiding this dispute and to give the claimant

Notice on the bulletin board stating exactly what positions are to be abolished, with copy to the local committee, fulfills all requirements of the rule when men are assigned to the positions by bulletin and have right upon displacement to exercise seniority. In the carrier's opinion it is the only practical method of application that could be followed.

Under these conditions the carrier respectfully submits that claim is not supported by the rule, and requests that it 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 employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

On March 28, 1947, the carrier posted the following notice:

Texarkana, Texas, March 28th, 1947
Reduction in Force, Texarkana

Mr. W. J. Heard
Boilermaker
Texarkana, Texas

Effective 7:00 P.M. April 1st, 1947, Boilermaker's job working 7:00 P.M. to 3:00 A.M. seven days per week now occupied by you will be pulled off account job abolished.

Please arrange to be governed accordingly and you may arrange to place yourself in line with your seniority.

/S/ W. A. Brule

cc: Mr. E. V. Myers, S.M.P., Tyler Texas
Mr. T. C. Crist, Local Chairman, I. B. of B.,
Texarkana, Texas

This is not a proper notice when the intent is to reduce the number of employes to be employed. If it were the intent to reduce the force of boilermakers by one man, effective April 1, 1947, a notice reducing the boilermaker force one man should have been posted on March 28, 1947.

However, according to the record as presented in the instant case, Boilermaker J. L. Carville on March 29, 1947, wrote E. V. Myers, superintendent motive power, advising of his being cut off effective April 1, 1947, and requesting a position. On March 31, 1947, a position was offered, and on April 1, 1947 was accepted. Therefore, the carrier was not responsible for the time lost by the claimant, J. L. Carville.

AWARD

Claim disposed of in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of May, 1948.