

Award No. 2085

Docket No. 1911

2-NWP-BM-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David R. Douglass when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 114, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Boilermakers)**

NORTHWESTERN PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current Agreement the Carrier on November 11, 1954 improperly furloughed and suspended from the service the following named employes of the Boilermakers Craft in Tiburon Shops:

T. J. O'Connor
F. Whitby
M. Grbac
W. Roland

T. Simas
G. Zucchini
J. A. Lyons
H. B. Seaton

2. That the Carrier be ordered to compensate the above named employes for all time lost from November 11, 1954 to the date they were restored to service on December 6, 1954.

EMPLOYEES' STATEMENT OF FACTS: The Northwestern Pacific Railroad Company, hereinafter referred to as the carrier, elected to reduce the force in its entirety of boilermakers and boilermaker helpers, in its shops at Tiburon, California. The above listed employes of the boilermakers craft, hereinafter referred to as the claimants, were regularly employed by the carrier, Mondays through Fridays, assigned rest days Saturdays and Sundays.

On or about 9:15 A. M. on Wednesday, November 10, 1954, the carrier issued a notice at Tiburon Shops that effective 6:00 A. M. November 11, 1954, the claimants were being laid off due to reduction in force. This is substantiated by copies of the notices submitted herewith and identified as Exhibits A and A-1.

The claimants were returned to the service of the carrier in Tiburon shops on Monday, December 6, 1954.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company, with the result that he has declined to adjust it.

CONCLUSION

The carrier asserts that the claim in this docket is entirely lacking in either merit or agreement support, and therefore requests that said claim 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 were given due notice of hearing thereon.

The record in this case indicates that there was work existing for the claimants which could have been performed by them for a period of four days following the last day they were permitted to work. Such being the case, the carrier should have reduced the force in accordance with Rule 28(c) of the current agreement.

AWARD

Claim sustained for four days' pay for each of the named claimants.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: Harry J Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 13th day of March, 1956.