

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Baltimore and Ohio Railroad Company

DISPUTE: CLAIM OF EMPLOYES:

No. 1 That Carrier violated the terms of the controlling Agreement, specifically, Rule 24 (b), when on the date of May 23, 1980, Carman, D. H. Schlake's furlough went into effect without proper notification as provided in the above mentioned rule, thus causing Claimant to be monetarily injured to the extent of five (5) working days.

No. 2 That accordingly, Carrier be ordered to compensate Claimant, Schlake for actual time lost account this violation, five (5) days, at eight hours' per day, at the straight-time rate of pay.

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 employes 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.

On May 16, 1980, the Carrier posted a notice at various locations throughout its maintenance and repair facility at Stevens Yard. The notice indicated that several positions would be abolished on May 23, 1980 and listed employes who would be adversely affected as a result of the reduction in forces. Claimant's name was listed on the bulletin and Claimant was furloughed on May 23, 1980.

Claimant seeks five days of pay at the straight time rate because the Carrier allegedly failed to give Claimant five working days notice of his impending layoff. The Organization, relying on Rule 24 (b), argues that the Carrier was required to provide Claimant with an individual notice stating that he would be furloughed on May 23, 1980. The Carrier contends that Rule 24 (b) was amended on or about March 1, 1980. While individual notice was mandatory under the prior Rule 24 (b), the amended rule called only for bulletin notice as well as notice to the Local Chairman.

Rule 24(b)(1), as amended, states:

"Five working days' advance notice will be given to employees affected before the abolishment of positions or reduction in force, and list of employees affected will be furnished to the local committee using STANDARD FORM shown below paragraph (j)." (Emphasis in Text.)

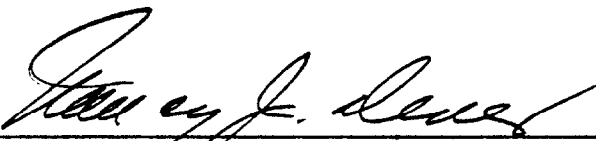
The amended Rule 24(b)(1) was effective prior to May 16, 1980. The former Rule 24 (b) required individual notice to every employee affected by a force reduction. Since the language mandating personal notice was deleted when the parties negotiated the amended Rule 24(b)(1), a general notice posted on a shop bulletin boards satisfies the amended rule. In this case, the Carrier issued bulletin notices strictly adhering to the format specified in Rule 24(j) more than five working days before Claimant's furlough. Thus, Claimant received proper notice.

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 14th day of December, 1983