

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 10425  
Docket No. 10283  
2-C&NW-CM-'85

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

( Brotherhood Railway Carmen of the United States  
( and Canada

Parties to Dispute: ( Chicago & North Western Transportation Company

Dispute: Claim of Employes:

1. Ninety (90) Passenger Carmen, Carmen Upholsterers, Carmen Painters, Carmen Welders and Carmen Helpers were deprived of work and wages during the period of November 30, 1981, through Decemer 7, 1981.
2. That the Chicago and North Western Transportation Company be ordered to compensate the Ninety (90) Passenger Carmen, Carmen Upholsterers, Carmen Painters, Carmen Welders and Carmen Helpers at eight hours per day, claimed at the pro rata rate for the days claimed, which are as follows:

| <u>Passenger Carmen</u> | <u>Dates Claimed</u>        |
|-------------------------|-----------------------------|
| J. C. Robles            | Dec. 1,2,3, 1981            |
| F. W. Sowa              | Dec. 1,2,3, 1981            |
| W. R. Waters            | Dec. 1,2,3, 1981            |
| F. Rockwell             | Dec. 1,2,3,4,7, 1981        |
| J. Postawa              | Dec. 1,2,3,4,7, 1981        |
| W. Majsterek            | Dec. 1,2,3,4,7, 1981        |
| N. Zahrebelski          | Dec. 1,2,3,4, 1981          |
| G. McGray               | Dec. 1,2,3,4,7, 1981        |
| S. Brasil               | Dec. 1,2,3,4,7, 1981        |
| C. Tidwell              | Dec. 4,7, 1981              |
| J. Young                | Dec. 1,2,3, 1981            |
| G. Michaud              | Dec. 1,2,3,4,7, 1981        |
| E. Gomez                | Dec. 2,3,4, 1981            |
| G. B. Shoulder          | Dec. 1,2,3,4,7, 1981        |
| J. Newman               | Dec. 1,2,3,4, 1981          |
| W. Hayes                | Dec. 1,2,3,4,7, 1981        |
| A. Dorsey               | Dec. 3,4, 1981              |
| W. L. Wilkes            | Dec. 1,2,3,4,7, 1981        |
| W. C. Dees              | Dec. 1,2,3,4,7, 1981        |
| J. S. Fields            | Nov. 30; Dec. 1,2,3,4, 1981 |
| T. A. Bibbs             | Dec. 1,2,3,4, 1981          |
| T. Moses                | Nov. 30; Dec. 1,2,3,4, 1981 |
| D. E. Thomas            | Dec. 1,2,3,4,7, 1981        |
| H. Zmudzinski           | Dec. 1,2,3,4,7, 1981        |
| E. Puewte               | Dec. 1,2,3,4,7, 1981        |
| W. Johnson              | Dec. 1,2,3,4,7, 1981        |
| M. Pintor               | Dec. 1,2,3, 1981            |
| W. Oakley               | Dec. 1,2,3,4,7, 1981        |

Passenger Carmen

Dates Claimed

|                  |                             |
|------------------|-----------------------------|
| W. Thompson      | Dec. 1,2,3,4,7, 1981        |
| G. Hall          | Nov. 30; Dec. 1,2,3,4, 1981 |
| P. Bradshaw      | Dec. 1,2,3,4,7, 1981        |
| E. A. Gilchrist  | Dec. 1,2,3,4,7, 1981        |
| W. C. Hayes      | Dec. 1,2,3,4,7, 1981        |
| T. Conoboy       | Dec. 1,2,3,4,7, 1981        |
| R. Murguia       | Nov. 30; Dec. 1,2,3,4, 1981 |
| D. G. Dela Serna | Dec. 1,2,3,4,7, 1981        |
| M. Hines         | Dec. 1,2,3,4,7, 1981        |
| B. Williamson    | Nov. 30; Dec. 1,2,3,4, 1981 |
| T. Yumping       | Dec. 1,2,3,4, 1981          |
| B. Winfield      | Dec. 1,2,3,4,7, 1981        |
| C. Mathews       | Dec. 1,2,3,4,7, 1981        |
| A. G. Peniche    | Dec. 1,2,3,4,7, 1981        |
| S. C. Robinson   | Dec. 1,2,3,4,7, 1981        |
| T. Williamson    | Dec. 1,2,3,4,7, 1981        |
| V. Sevefield     | Dec. 1,2,3,4,7, 1981        |
| R. E. Thompson   | Dec. 1,2,3,4,7, 1981        |
| R. Vorberg       | Nov. 30; Dec. 1,2,3,4, 1981 |
| G. Rodgers       | Dec. 1,2,3,4,7, 1981        |
| M. Thigpen       | Dec. 1,2,3,4,7, 1981        |
| E. Royas         | Nov. 30; Dec. 1,2,3,4, 1981 |
| L. J. Johnson    | Nov. 30; Dec. 1,2,3,4, 1981 |
| J. Taylor        | Nov. 30; Dec. 1,2,3,4, 1981 |
| H. Novak         | Dec. 1,2,3,4, 1981          |
| J. A. Montgomery | Dec. 1,2,3,4,7, 1981        |
| L. Douglas       | Nov. 30; Dec. 1,2,3,4, 1981 |
| G. Woods         | Nov. 30; Dec. 1,2,3,4, 1981 |
| J. Franklin      | Dec. 1,2,3,4,7, 1981        |

Carmen Upholsterers

Dates Claimed

|               |                               |
|---------------|-------------------------------|
| B. W. Young   | Dec. 1,2,3,4,7, 1981          |
| S. L. Walker  | Dec. 1,2,3,4,7, 1981          |
| B. Hald       | Dec. 1,2,3,4,7, 1981          |
| J. L. Harper  | Nov. 30; Dec. 1,2,3,4, 1981   |
| B. McCalib    | Nov. 30; Dec. 1,2,3,4, 1981   |
| B. S. Brown   | Nov. 30; Dec. 1,2,3,4, 1981   |
| T. R. Aronete | Dec. 2,3,4,5,6, 1981          |
| G. Weatherall | Nov. 30; Dec. 1,2,3,5,6, 1981 |
| F. Wright     | Dec. 1,2,3,4,7, 1981          |

Passenger Car Painters

Dates Claimed

|                |                             |
|----------------|-----------------------------|
| D. A. LaCrosse | Dec. 1,2,3,4,7, 1981        |
| A. Johnson     | Dec. 1,2,3,4,7, 1981        |
| E. Harries     | Dec. 1,2,3,4,7, 1981        |
| M. Storey      | Dec. 1,2,3,4,7, 1981        |
| D. G. Jackson  | Nov. 30; Dec. 1,2,3,4, 1981 |
| T. Harrold     | Nov. 30; Dec. 1,2,3,4, 1981 |
| S. Romos       | Dec. 1,2,3,4,7, 1981        |

| <u>Passenger Car Painters</u> | <u>Dates Claimed</u>        |
|-------------------------------|-----------------------------|
| S. N. Shaheed                 | Nov. 30; Dec. 1,2,3,4, 1981 |
| H. T. Jackson                 | Dec. 1,2,3,4,7, 1981        |
| R. McGrath                    | Dec. 1,2,3,4, 1981          |
| K. P. Gadbold                 | Nov. 30; Dec. 1,2,3,4, 1981 |
| D. McCoy                      | Nov. 30; Dec. 1,2,3,4, 1981 |
| P. Seals                      | Dec. 1,4,5,6,7, 1981        |
| T. Pekarek                    | Dec. 1,2,3,4,7, 1981        |
| L. Pizano                     | Dec. 1,4,5,6,7, 1981        |

  

| <u>Carman Helper</u> | <u>Dates Claimed</u> |
|----------------------|----------------------|
| A. L. Smith          | Dec. 2,3, 1981       |

  

| <u>Passenger Car Welders</u> | <u>Dates Claimed</u>        |
|------------------------------|-----------------------------|
| J. R. Harris                 | Dec. 1,2,3,4,7, 1981        |
| J. Sanabria                  | Dec. 1,2,3,4,7, 1981        |
| M. Brown                     | Dec. 1,2,3,4,7, 1981        |
| D. Webb                      | Dec. 1,2,3,4,7, 1981        |
| O. Volenciz                  | Dec. 1,2,3,4,7, 1981        |
| G. Koldras                   | Dec. 1,2,3,4,7, 1981        |
| N. Navotny                   | Nov. 30; Dec. 1,2,3,4, 1981 |

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.

After a period of several weeks wherein Chicago Commonwealth Edison experienced transformer problems, on Monday, November 30, three out of four transformers went down creating a widespread power failure which directly affected the Carrier's operation at its California Avenue shop. As a result, Carrier invoked the provisions of the Emergency Force Reduction Rule and abolished ninety (90) Carmen jobs until further notice. The Organization contends the Carrier failed to provide those Employes with bumping or displacement rights in accordance with Rules 25 and 28. In support of this position, the Organization references two discussions the Local Chairman had with Operations Supervisor relating to displacement of junior workers. The Local Chairman is purported to have been told that Labor Relations would handle the issue with the General Chairman.

Having reviewed the on-the-property handling of this case, the Board finds no evidence the Organization, in any manner, followed up its complaint about replacement rights with the Carrier's Labor Relations Department after the conversation with the Operations Supervisor. Clearly, the responsibility of exploring a potential grievance rests with the Organization. Additionally, we conclude that with but one exception, a Carman Young, there is no evidence that employees junior to the Claimants were on the property and could have been displaced. Finally, we find no evidence that any of the Claimants made a request to displace. Without such probative evidence, there is no support for the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:



Nancy J. Deneen  
Nancy J. Deneen - Executive Secretary

Dated at Chicago, Illinois, this 5th day of June 1985.