

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Chicago & North Western Transportation Company

Dispute: Claim of Employees:

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. McCalleb	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

Passenger Car Painters

Dates Claimed

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

Carman Helper

Dates Claimed

A. L. Smith	Dec. 2,3, 1981
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Passenger Car Welders

Dates Claimed

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 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.

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) Carman jobs until further notice. The Organization contends the Carrier failed to provide those Employees 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. Dever, Executive Secretary

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